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## TITLE 14 LAND USE AND Zoning

### CHAPTER 14.01 GENERAL PROVISIONS

#### Section 14.01.010 Short Title

The ordinances contained in this Title shall be known as the “American Fork Zoning Ordinances.”

#### Section 14.01.020 Purpose and Intent

The purpose of the American Fork Zoning Ordinances is to promote the health, safety, morals and general welfare of the community, and to implement the adopted master plans for the orderly and controlled growth of the City. To accomplish these purposes the zoning ordinance is designed:

1. To regulate and restrict the height, number of stories and size of buildings and other structures;
2. To regulate lot sizes and the percentage of the lot that may be occupied;
3. To regulate the size of yards, courts and other open spaces;
4. To regulate the density of population;
5. To regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
6. To secure safety from fires, floods, traffic hazards, and other dangers;
7. To create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities; and
8. To include other regulations designed to promote the health, safety, morals and general welfare of the public that are not contrary to law.

### Section 14.01.03 Conflicting Provisions

This Title shall not nullify the more restrictive provisions of the American Fork City Code or other private covenants and agreements or other laws or general ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive.

### Section 14.01.040 Application of Provisions

The provisions of this Chapter shall apply to the building of any structure and the use or development of any land within the City, unless otherwise exempted by State or Federal law.

### Section 14.01.050 Licenses to Conform

All departments, officials, and employees of American Fork City which are vested with duty or authority to issue permits and licenses shall conform to the provisions of this Title and shall issue no permit or license for a use, building, or purpose where the same would be in conflict with the provisions of this Title. Any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

### Section 14.01.060 Building Permits Required

No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of land be changed except after the issuance of a permit for the same by the Building Inspection Division.

### Section 14.01.070 Permits to Comply with the Zoning Rules

Permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use in any land, building, or structure if such construction, alteration, moving, or change in use would be a violation of any of the provisions of this Title.

### Section 14.01.080 Building Permits - Plat Required

1. When property boundaries are unclear or indeterminate all applications for building permits for new construction (and not interior remodels) shall be accompanied by:
  - a. A plat drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, and existing buildings on adjacent property and such other information as may be deemed necessary by the Building Inspector or the Planning Commission for the enforcement of this Title.
  - b. A complete and accurate legal description of the property, which is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps or discrepancies between the legal description, and any existing fence lines. Also to be submitted will be a preliminary title search showing legal ownership of the property. If the developer



is not the legal owner of the property, the developer shall, in addition, submit written proof of the developer's right to develop the property. Such proof shall consist of options, contracts, or other documents. The developer will be entitled to redact confidential information on such documents as, for example, the amount of consideration paid and the amounts of periodic payments. A careful record of such applications and permits shall be kept in the Office of the Building Official for a period of one (1) year from the date of receipt thereof.

#### Section 14.01.090 Certificate of Occupancy and Zoning Compliance

1. It shall be unlawful to use or occupy, or to permit the use or occupancy of any building or premises until a Certificate of Occupancy shall have been issued for the premises and/or building by American Fork City. It shall also be unlawful to occupy or to allow to be occupied any building which has a greater intensity of use or different occupancy than provided for specifically in the Certificate of Occupancy.
2. Issuance of Certificates. A Certificate of Occupancy, hereinafter referred to as "Certificate" is required to be issued by the Building Official the time a building is completed and final inspection granted by the Building Inspection Division. In addition, a new certificate shall be required at any time the occupancy of the building changes to a more intensive use or that the number of occupants in an apartment or multiple residential building increases more than five percent (5%) above the number declared in the previously-issued certificate.
3. Information Required. The following information shall be made a part of any application for a Certificate of Occupancy issued by the Building Official:
  - a. Residential Certificates.
    - i. The number of residential units in the building or buildings. (If there is more than one (1) building, the number of units should be listed separately for each building.)
    - ii. Number of households residing in or anticipated to live in the building.
    - iii. The number of batching tenants and/or roomers anticipated to reside on the premises.
    - iv. The number of legal-sized off-street parking spaces being provided on the premises.
    - v. A signed certification of the property owner of the building or premises or the property owner's authorized agent stating that the information contained therein is accurate and that the stated conditions will be maintained on the premises.
  - b. Commercial, Industrial, and Institutional Certificates.
    - i. The number of employees on the premises.
    - ii. The number of off-street parking spaces provided for employees on the site.

- iii. The number of off-street parking spaces provided for customers or visitors.
  - iv. The number and type of restroom facilities provided.
  - v. The square foot area within the building used for each separate type of occupancy.
  - vi. A signed certificate by the owner of the building or premises or the owner's authorized agent stating that the information and conditions set forth are true and will be maintained upon the site in this condition.
  - vii. A warning directed to the owner of the premises that a change in intensity of use or occupancy of the building will require the issuance of a new certificate.
4. All sites requiring site plan or plat. All sites requiring approval of a site plan or plat through the land use authority process for the zone shall submit to the city, as a part of the project completion documents, prior to the issuance of a Certificate of Occupancy, a set of city public utility as-built plans as described in the Standards and Specifications Manual. Penalty for Violations. Failure to obtain a Certificate of Occupancy for occupying or allowing to be occupied any residential, commercial, industrial, or institutional building or premises, or for changing the intensity of use or increasing the number of occupants as provided for in the Certificate of Occupancy issued under this Title, shall be a class B misdemeanor.
  5. Nuisance. The occupation of any building for which a Certificate of Zoning Compliance has not been issued is hereby declared to be nuisance and shall be abated as such. It shall also be a nuisance for any building to be occupied with greater density than authorized herein or for any other occupancy than is authorized in the Certificate or required under this Section.

#### Section 14.01.100 Fees

Fees shall be payable to the City in advance, and shall be collected by the Development Services Department prior to entertaining any request set forth herein. Fees shall be as shown on the Consolidated Fee Schedule adopted by the City Council.

### CHAPTER 14.02 VARIANCE

#### Section 14.02.010 Variances - Procedure

1. The Board of Adjustment may authorize variances from the terms of this Title as are found to be in compliance with the variance criteria set forth herein.
2. Applications for variance shall be filed with the Board of Adjustment. Said application shall contain the following information:
  - a. a description of the requested variance together with a designation of that section of the American Fork City Code from which relief is being requested;

- b. an accurate plot plan, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties;
  - c. a filing fee as shown on the Consolidated Fee Schedule adopted by the City Council; and
  - d. a written statement indicating how the variance request complies with the variance criteria set forth herein.
3. Upon receipt of an application by the Board of Adjustment the Board shall hold a public hearing and subsequently review and take action on the application.

## CHAPTER 14.03 CONDITIONAL USE PERMIT

### Section 14.03.010 Standards

1. The following standards shall apply to any request for a Conditional Use Permit:
  - a. A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity or be contrary to any other applicable code requirements for the conditional use.
    - i. A proposed conditional use shall be deemed detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity:
      1. if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
      2. if the proposed use will unreasonably interfere with the lawful use of surrounding property;
      3. if the proposed use will create a need for essential municipal services which cannot be reasonably met; or
      4. if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.
  - b. If a part of a proposed conditional use is found to be contrary to the standards described in this Section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this Section.

### Section 14.03.020 Application

1. Application for a Conditional Use Permit shall be made on a form authorized by the City. Said application shall be filed with the Development Services Department and shall be accompanied by the following:
  - a. Plats, plans, or electronic drawings drawn to scale showing the location and dimensions of buildings, streets, and other improvements on or near the subject

property which may be affected by the proposed use and showing the nature and extent of those effects.

- b. A filing fee as shown on the Consolidated Fee Schedule adopted by the City Council.

#### Section 14.03.030 Approval Process and Issuance

1. DRC. Upon receipt of application, the Development Review Committee shall review and make a recommendation of approval or denial to the Planning Commission.
2. Public Hearing. Prior to granting a Conditional Use Permit and after receipt of reports and recommendations, the Planning Commission shall hold a public hearing.
  - a. Notice for a conditional use public hearing shall be in accordance with Utah Code Ann. §10-20-205.
3. The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the Chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.
4. Action on Application. The Planning Commission may impose conditions on the issuance of a conditional use permit including, but not limited to, limitations on the size or shape of buildings; the dedication, relocation, and/or development of streets; installation and up sizing of utility mains, screening or landscaping to protect adjacent properties; the elimination or relocation of windows or doors to protect the public and adjacent property from the detrimental features of the proposed use; or the requirement of additional parking, or other changes. The Planning Commission may require that the applicant prepare and record covenants running with the land which under the conditions are binding upon the applicants and their successors. No building permit shall be issued until any required Conditional Use Permit has been obtained.
  - a. Any use contrary to the Conditional Use Permit or any use utilized prior to obtaining such a permit when one is required under this Title or other ordinance or any use inconsistent with the Conditional Use Permit after it has been issued is unlawful and may be enjoined by the City.

#### Section 14.03.040 Appeals

1. Any person may appeal a decision applying a land use ordinance as follows:
  - a. An interpretation or application of a land use ordinance made by members of City staff may be appealed to the Board of Adjustment. A decision of the Board of

Adjustment regarding the interpretation or application of a land use ordinance may be appealed to the City Council.

- b. A final decision of the Planning Commission may be appealed to the City Council.
  - c. A decision of the City Council may only be appealed to the District Court.
2. An application for appeal to the City Council must be filed in the office of Development Services within thirty (30) days after the date of the decision being appealed. Appeals to the Board of Adjustment shall be made pursuant to the procedure outlined in CHAPTER 2 of the City Code. An adversely affected party shall present to the appeal authority every theory of relief that it can raise in District Court.
  3. The owner of private property whose property is subject to a physical taking or exaction by the City as part of a land use application may appeal the City's decision within 30 days after the decision is made. A decision regarding a proposed taking or exaction shall be deemed final and ripe for appeal when approved by the Development Review Committee (DRC). The Planning Commission shall hear and approve or reject the appeal within 14 days after it is submitted. If the Planning Commission fails to hear and decide the appeal within 14 days, the decision of the DRC is presumed to be approved. A property owner's failure to appeal the action of the City does not constitute a failure to exhaust available administrative remedies. The Planning Commission shall approve the decision of the DRC if it finds that:
    - a. An essential link exists between a legitimate governmental interest and the exaction; and
    - b. The exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

#### Section 14.03.050 Conditional Use Permit Expiration

Unless otherwise specified in the action granting a conditional use permit, a permit which has not been utilized within twelve (12) months from the effective date thereof shall expire and shall become null and void.

#### Section 14.03.060 Revocation of Conditional Use Permit

A Conditional Use Permit may be modified or revoked if the Planning Commission finds one (1) or more of the following:

1. that the use permit was obtained by misrepresentation or fraud;
2. that the use for which the permit was granted is not being exercised;
3. that the use for which the use permit was granted has ceased or has been suspended for six (6) months;
4. that the conditions imposed upon said use permit have not been complied with;

5. That the use is detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity, except that a change in the market value of real estate shall not be considered an injury to property; or
6. that the conditional use has been materially altered or expanded beyond the scope of the use originally authorized. Factors such as, but not limited to, increased number or size of structures, finding that a nuisance exists, or alteration of the approved project plan may be cause for modification or revocation of a conditional use permit.

#### Section 14.03.070 Amendments

1. This Chapter, including the zone map, may be amended by first submitting any proposed amendment to the Planning Commission for its recommendation, which recommendation shall be forwarded to the City Council to determine whether or not a public hearing should be set.
2. Any person seeking to amend this Chapter or the zone map shall submit a written petition to Development Services designating the amendment desired and the reasons for the amendment. The petitioner shall also pay a fee established by resolution of the City Council. Upon the receipt of the petition and the appropriate fee, the Development Services Director shall submit the amendment to the Planning Commission for consideration and recommendation. An application to amend this Chapter or the zone map shall also expire immediately following the passage of six months from submittal. The City shall provide written notice of a pending expiration to the applicant at least (30) days prior to the date that the application is deemed to have expired. Upon expiration, an application for an amendment to this chapter including a zone map shall be considered null and void and a new application must be submitted and fees paid.
3. An amendment to this Chapter shall be adopted only after a public hearing in relation thereto before the City Council, in which parties in interest and citizens shall have an opportunity to be heard.
4. An application by a party other than the City to amend the zoning designation of property which has been denied by the City Council may not be resubmitted for a period of 12 months from the date of denial unless:
  - a. The application requests a zoning classification different from the previous request; or
  - b. The applicant demonstrates that there has been a substantial change in circumstances pertaining to the property, the project, or the surrounding area which materially supports the application for a change to the zoning designation of the property; or
  - c. Less than four (4) members of the City Council voted to deny the application; or
  - d. The Planning Commission shall be the final approving authority to determine whether one of the three exceptions enumerated above has been met. The decision of the Planning Commission may be appealed to the City Council by filing a

written appeal with the Department of Development Services within 30 days of the decision of the Planning Commission.

### Section 14.03.080 Enforcement and Penalties

1. The Development Services Director is charged with the administration and enforcement of the American Fork Zoning Ordinances. Failure to enforce shall not, however, legalize any violation of the provisions herein.
2. In addition to the criminal sanctions imposed, as set forth herein, in any case where any building or structure is erected, reconstructed, altered, repaired, or maintained or where any building, structure or land is used in violation of this Title, the City or any owner of real estate within the City may institute an action for mandamus, abatement, an injunction, or any other appropriate action or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act.
3. It shall be unlawful for any person or entity to violate any of the provisions of this Title. Any person, firm or corporation, whether acting as principal, agent, property owner, lessee, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this Chapter shall be guilty of a Class B misdemeanor. Each and every day during which a violation occurs shall constitute a separate offense.

## CHAPTER 14.04 GENERAL PLAN

### Section 14.04.010 Adoption

The city council may adopt a comprehensive (general) plan of the city or any part thereof.

### Section 14.04.020 Public lands and structures to conform to plan exceptions

Upon the adoption of such plan, no street, park or other public way, ground, place or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to said plan or shall have been submitted to and approved by the planning commission; provided that in case of disapproval, the commission shall communicate its reasons to the city council and the city council, by a vote of not less than a majority of its entire membership, shall have the power to overrule such disapproval and upon such overruling, the city council shall have the power to proceed; provided however, that if the public way, ground, place, space, building, structure or utility be one the authorization or financing of which does not, under the law governing the same, fall within the province of the city council, then the submission to the planning commission shall be by the board or official having such jurisdiction, and the planning commission's disapproval may be overruled by said board by a vote of not less than a majority of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property, or structure, shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The

failure of the planning commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the city council or other submitting body, board, or official.

## CHAPTER 14.05 TRANSPORTATION MASTER PLAN

### Section 14.05.010 Adoption and Effect of Transportation Master Plan

1. The City Council shall adopt and maintain a transportation master plan for American Fork City in conformance with, and as a part of, the General Plan in accordance with procedures for adopting and amending the General Plan, and the procedures set forth in this Chapter. Said transportation master plan shall contain the proposed location of all arterial and collector streets and such other principal streets as the City Council may deem appropriate.
2. The adoption of the transportation master plan:
  - a. Does not require the City to immediately acquire property it has designated for eventual use as a public street;
  - b. Does not require a landowner to dedicate and construct a street as a condition of development approval, unless American Fork City determines that requiring the dedication and improvement of a street are necessary because of a development proposed by the landowner;
  - c. Does not prevent American Fork City from requiring a landowner to take into account proposed streets in the planning of a development proposal; and
  - d. Does not prevent American Fork City from acquiring property for street purposes via purchase, gift, voluntary dedication, or eminent domain.
3. All streets within a proposed subdivision must be dedicated in conformance with the Transportation Master Plan, except as approved otherwise by the city engineer and city council.

## CHAPTER 14.06 PLANNING COMMISSION

### Section 14.06.010 Planning Commission Establishment; Composition

1. Appointment. The city council hereby establishes a planning commission within and for the city, to be known as the American Fork City Planning Commission.
2. Composition. The planning commission shall consist of seven members and one alternate member, who shall be selected from among the residents of the city and appointed by the mayor, with the advice and consent of the city council.
3. Political Affiliation. Members shall be selected without respect to political affiliation and shall serve without compensation except for payment of reasonable expenses.



## Section 14.06.020 Terms; Vacancies; Removal

1. Term of office. The term of appointment for each member shall be three years. Terms shall be staggered to ensure that no fewer than three (including the alternate) and no more than four Commission Member appointments shall expire each year. Members may be removed with or without cause by a majority vote of the Municipal Council. The term of the alternate member shall expire each year. Terms of appointment shall expire on January 31 of the scheduled year of expiration.
2. Number of terms. Planning Commission Members shall serve no more than three consecutive terms.
3. Vacancies. Vacancies occurring other than due to the expiration of a term shall be filled, for the remainder of the unexpired term, in accordance with the provisions of this Chapter.
4. Continuation of terms. Members serving at the time of the adoption of this ordinance are hereby appointed to serve in accordance with the terms of their current appointment.
5. Removal of members. Members may be removed after a public hearing by a two-thirds majority vote of the entire city council.

## Section 14.06.030 Planning Commission Organization; Procedure; Record of Proceedings

1. Election of chairperson. The planning commission shall elect from its membership a chair and a vice chair who shall serve for a term of one year, and until a successor is elected. The term of the chair and vice chair shall commence on February 1 of the year elected. Election of chair shall be conducted at the first meeting of the planning commission after completion of the term of the prior chair, or at such other time as is considered practicable by the members of the commission.
2. Duty of chair and vice chair. It shall be the duty of the chair to preside over and conduct all meetings of the planning commission. The chair, with the consent of the members, shall make such assignments and delegations to the members of the planning commission and the staff and consultants as are deemed necessary or desirable for the carrying out of the planning commission's business. The vice chair shall assume the duties of the chair at any time the chair is absent or otherwise unable to perform the duties of the chair.
3. Duty of alternate member. It shall be the duty of the alternate planning commission member to attend all meetings of the planning commission. The alternate member may participate in all discussions and proceedings; however, they may vote only in the case where another planning commissioner is absent.
4. Rules for operation. The planning commission may adopt rules for its own organization and for the transaction of its business not in conflict with this section or other ordinances, and shall keep an accurate record of disposition of all matters coming before it.

## Section 14.06.040 Planning Commission Powers and Duties

1. The planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning within the city. It shall:
  - a. Review and recommend a general plan and amendments to the general plan to the city council as provided under the provisions of Utah Code Ann. §10-20-302 et seq.
  - b. Review and recommend the adoption of zoning ordinances and a zoning map and any amendment to said zoning ordinances and map to the city council, as provided under the provisions of Utah Code Ann. §10-20-302 et seq.
  - c. Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the city council.
  - d. Review and recommend adoption of subdivision regulations and amendments to those regulations to the city council, as provided under the provisions of Utah Code Ann. §10-20-802 et. seq.
  - e. Advise the city council on such matters as the city council directs.
  - f. Hear and decide any matters designated to it by the city council under the terms of the city's zoning ordinance or other development regulation, including the approval or denial of, or recommendations to approve or deny, development site plans and conditional use permits.
  - g. Exercise any other powers:
    - i. That are necessary to enable it to perform its function; or
    - ii. Delegated to it by the city council.

## CHAPTER 14.07 BOARD OF ADJUSTMENT

### Section 14.07.010 Board of Adjustment Created

The city council hereby establishes a board of adjustment within and for the city. The board of adjustment shall consist of five members, each to be appointed for a term of five years, provided that the terms of the members appointed shall be such that the term of one member shall expire each year. Any member of the board of adjustment may be removed for cause by the city council upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

### Section 14.07.020 Organization of Board; Meetings; Duties.

The board of adjustment shall organize and elect a chairperson and adopt rules for its proceedings. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson or, in their absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the board shall be

open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the board and shall be a public record.

### Section 14.07.030 Appeals to Board - Powers and Duties

The board of adjustment shall have the following powers:

1. The power to hear and decide appeals and grant variances from the terms of the land use ordinances in compliance with the procedures set forth herein and the provisions of Utah Code Ann. §10-20-1102;
2. The power to hear and decide matters when the applicable code or ordinance expressly provides such authority.

## Chapter 14.08 ZONE CLEARANCE OFFICER

### Section 14.08.010 Zone Clearance Officer Appointed

There is hereby created the position of zone clearance officer. The Development Services Director is hereby designated as the zone clearance officer.

### Section 14.08.020 Power And Duties Of The Zone Clearance Officer

1. It shall be the duty of the zoning clearance officer or their designated representative:
  - a. To review all requests for building permits for conformance with the terms of the development code and to issue a zone clearance endorsement where, as applicable:
    - i. The proposed use complies with the relevant terms of the development code; or
    - ii. The proposed use complies with the approved site plan.
  - b. To review all applications for business licenses, home occupancy permits, requests for release of performance guarantee (bonds), certificates of occupancy and/or any other license or permit which requires a zone ordinance compliance endorsement; to determine whether the use set forth in the application is in conformance with the terms of the development code; and to provide such endorsement when determined to be in compliance.
  - c. To assist the city's code enforcement officer, wherever violations of zoning regulations, building regulations, or the development code have occurred, including, but not limited to, the provisions relating to subdivisions, site plans or other use or development project approved pursuant to the terms of the American Fork City Code.
  - d. To adopt such forms and procedures are determined appropriate in carrying out the tasks delegated under this section.

- e. The Development Services Director is designated as the zone clearance officer for matters involving the interpretation of and application of the city's Transit Oriented Development (TOD) rules and regulations.

## CHAPTER 14.09 INTERPRETATION

### Section 14.09.010 Rules of Construction and Interpretation

1. All provisions, terms, phrases and expressions contained in this Title shall be liberally construed to accomplish the purposes set forth herein.
2. For the purpose of this Title, certain words and terms shall be interpreted as follows:
  - a. Words used in the present tense include the future unless the context clearly indicates the contrary.
  - b. Words in the singular number include the plural and the plural includes the singular as the context and application of this Title may reasonably suggest.
  - c. Words that are not included herein, but are defined in the International Building Code, shall have the meaning as defined within the International Building Code.
  - d. Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.
  - e. When a period of time is prescribed or allowed by this Title, the computation of days shall be in accordance with the following:
    - i. In computing any period of time prescribed or allowed by this Title, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
    - ii. When a period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
    - iii. When a period of time is prescribed such period shall be for consecutive calendar days unless the basis of computation is expressly otherwise.
  - f. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows.

- i. “And” indicates that all connected items, conditions, provisions or events shall apply.
    - ii. “Or” indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.
    - iii. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination
  - g. The word “shall” is always mandatory. The word “should” means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word “may” is permissive.
  - h. Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases which have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
  - i. In determining compliance with the numerical requirements of this Title, any computation or measurement resulting in a fractional number shall be rounded to the nearest whole number.
  - j. All public officials, bodies, and agencies to which reference is made are those of the American Fork, Utah unless otherwise indicated.
  - k. Whenever a provision appears requiring the Mayor, head of a department, or some other officer or employee to do some act or perform some duty, it shall be construed to authorize such officer to designate, delegate, and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
3. Illustrations. For the convenience of users of this Title, certain terms are illustrated within this Title. If any conflict arises between an illustration and a definition, the definition shall apply.

## CHAPTER 14.10 DEFINITIONS

### Section 14.10.010 “A” Definitions

- 1. Accessory Dwelling Unit: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within a single-family dwelling.
  - a. Internal: An accessory dwelling unit created
    - i. Within a primary dwelling;
    - ii. Within the footprint of the detached primary dwelling at the time the internal accessory dwelling unit is created; and

- iii. For the purpose of offering a long-term rental of 30 consecutive days or longer.
  - b. External: An accessory dwelling unit created
    - i. Outside of and detached from the primary dwelling; and
    - ii. Located on the same lot as the primary dwelling.
- 2. Accessory building/structure: A detached subordinate building or structure, the appropriate use of which is subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. An accessory building/structure does not include a guest house or separate apartment unit if located in a residential zone.
- 3. Accessory use: A use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and customarily found in connection with such principal use; and is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. An accessory use does not include multiple family uses when in a residential zone.
- 4. Adult Day Care: A nonmedical services providing for the continuous care and supervision of functionally impaired adults for more than (4) but less than twenty-four (24) continuous hours, for compensation.
- 5. Affected area: For the purpose of noticing requirements set forth in Utah Code 63G-30-101 et. seq., means property located within five hundred (500) feet of the subject property.
- 6. Agriculture: Tilling of soil, the raising of crops, horticulture and gardening, but does not include the keeping or raising of domestic animals or household pets, nor any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses. Agriculture does not include any use in Agritainment.
- 7. Agritainment: Farm-related tourism or farm-related entertainment activities that are permitted or authorized in return for a fee on agricultural land for recreational or educational purposes. Examples of agritainment enterprises include, but are not limited to, pick-your-own fruits and vegetables, farm markets, festivals/fairs, interactive animal displays, hay and amusement rides and corn-maze enterprises.
- 8. Alley: A narrow drive aisle, primarily for vehicular service access to the back or side of properties otherwise abutting on another street, common area or public space.
- 9. Animal Hospital: A structure or building used to provide medical attention for animals and may include temporary boarding of animals for care and treatment.

10. Animal Unit: One or a proportionate combination of the following per 10,000 sq. ft. of lot area:

- a. One cow (bovine), horse (equine), or similar large animal.
- b. Four adult sheep or feeder lambs.
- c. Four goats.
- d. Four llamas or alpacas.
- e. Twenty chickens.
- f. Thirty pigeons or similar small fowl.
- g. Thirty rabbits or similar small animals.
- h. For types of animals not specified above, the board of adjustment shall determine the number which shall constitute an animal unit; except that, for purposes of compliance with this code, pig (porcine) and mink are specifically excluded from consideration as part of an animal unit for the purpose of determining compliance, said definition shall not include the unweaned offspring less than six months old of any residing animal.

11. Automotive Service Establishment, Minor: A building that provides automotive services that include minor vehicle repairs such as: repair or replacement of alternators, generators, starters, water pumps, batteries, tires, upholstery, brakes or part thereof. Minor automotive services may also include buildings that specialize in services such as: tinting, detailing, oil changes, emission and safety inspections, windshield/window repair and fluid top offs. There shall be no overnight holdings of vehicles at these locations.

12. Automotive Services Establishment-Major: A building that provides automotive services that include major vehicle repairs such as: repair or replacement of engines, transmissions, differentials, body work, frames, and fenders. Major automotive services may also include buildings that specialize in services such as autobody painting and vehicle wrapping. Major automotive services are not to be mistaken for salvage yards or vehicle impound yards.

#### Section 14.10.020 “B” Definitions

1. Bio-diesel production: The production of diesel fuel from vegetable oil, including but not limited to waste vegetable oil, or animal fat which have been chemically altered by distillation, transesterification or similar process.
2. Boarding House: A dwelling other than a hotel where lodging or lodging and meals for three or more persons is provided for compensation.

3. Body Art Establishment: A commercial establishment where the practices of body art are had, whether or not for profit.
4. Building: Any structure having a roof supported by columns or walls, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
5. Building, Main: Building, Main shall mean a building in which is conducted the principal use of the lot on which it is located. Garages, carports, and other buildings which are attached to a dwelling or other main building or which are situated within ten feet of a main building shall be considered as a part of the main building.
6. Building Elevation: A flat scale drawing of the front, rear, and side exteriors of a building.

#### Section 14.10.030 “C” Definitions

1. Carport: A structure not completely enclosed by walls, constructed for the purpose of shelter, including for automobiles and personal property.
2. Caretaker Facility: A place where a caretaker is permitted to reside in close proximity to or at the place of business for which they are charged to look after. The caretaker facility may include cooking, sleeping, and sanitary facilities.
3. Child Day Care/Preschool: Nonmedical services providing for the continuous care and supervision of children for compensation.
4. Commercial Adult Day Care Facility: A structure where adult day care is provided for more than six functionally impaired adults, including the provider’s own dependent adults, at any one time.
5. Commercial Child Day Care/Preschool Facility: A structure where child day care is provided for more than twelve children, including the provider’s own preschool aged children, at any one time.
6. Commercial Use:
7. Common Area: The land area in a Planned Residential Development (PRD) or Condominium Development reserved and set aside for recreational uses, landscaping, open green areas or parking and driveway areas for the common ownership, use, and enjoyment of the residents of the PRD.
8. Common Driveway: A vehicular access from a dedicated street to and within a Planned Residential Development (PRD) or a Condominium Conversion (CC), which is held in common ownership for the use and enjoyment of the residents of the PRD or condominium conversion.
9. Common Open Space: The land area in a Planned Residential Development (PRD) or Condominium Development reserved and set aside for recreational uses, landscaping or open green areas for the common ownership, use, and enjoyment of the residents of the PRD
10. Common Wall: A wall shared by two or more buildings or by two or more units within a building.



11. Conditional Use: A use which, because of its nature and character, requires approval by the Planning Commission prior to the issuance of a permit.
12. Condominium: The ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property. The definition of condominium does not include detached units within a planned residential development.
13. Condominium project: A real estate condominium project; a plan or project whereby four or more apartments, rooms, office spaces, or other units in existing or proposed apartment, commercial or industrial buildings or structures are separately offered or proposed to be offered for sale.
14. Corral: A fenced space, other than a building, less than 10,000 square feet in area, used for the confinement of animals.

#### Section 14.10.040 “D” Definitions

1. Dance Studios: A building used for the conduct of professional instruction to all types of dances. They have the ability to provide classes, workshops, private lessons, and host dance parties.
2. Day Care Center: A building or structure where seven or more children, including the operator’s own children under the age of twelve, receive care for compensation.
3. Density: The number of dwelling units per acre of land.
4. Depth of lot: The distance between the front lot line and the rear lot line as measured at a right angle from the center of the front lot line or, in the instance of a curved front lot line, at a right angle to the point of tangency at the center of the front lot line.
5. Disability: With respect to a person, a physical or mental impairment which substantially limits one or more of a person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment. Such term does not include an impairment caused by addiction to a controlled substance or alcohol and the current use of such controlled substance or alcohol. Disability also does not include kleptomania, pyromania, or any sexually related addiction or disorder including but not limited to sex and pornography addictions, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.
6. Disabled Person: A person with a disability.
7. Drive-aisle: A travel-way through or between units on one lot, not amounting to an alley or parking lot.
8. Drive-in, retail: Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in their automobile.
9. Dwelling: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, but not including hotels, motels or bed and breakfast establishments.

10. Dwelling, Multifamily: A building or structure, or portion thereof, which is designed for and contains more than one dwelling unit.
11. Dwelling, Single-family: A building or structure, or portion thereof, which is designed for a single dwelling unit and occupied by, or intended to be occupied by, a single family. Single-family dwellings may include accessory apartments.
12. Dwelling Unit: One or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

#### Section 14.10.050 “E” DEFINITIONS

1. Elderly person: A person who is sixty years of age or older.

#### Section 14.10.060 “F” DEFINITIONS

1. Family: One of the following groups of individuals, but not more than one at the same time:
  - a. an individual living alone; or
  - b. two or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two other unrelated persons who do not pay rent and are not the primary occupant(s) of the dwelling; or
  - c. up to three related or unrelated individuals who live and cook together as a single housekeeping unit; or
  - d. two unrelated individuals and any children of either of them living as a single-housekeeping unit;
2. Fence: Any constructed tangible barrier, lattice work, screen, wall or any continuous growth of shrubs, vines trees or other vegetative material
3. Flood channel: A natural or artificial water course with definite bed and banks to confine and conduct flood water.
4. Frontage: The width of the lot or parcel of land which faces or has one side adjacent to a dedicated street.

#### Section 14.10.070 “G” DEFINITIONS

1. General retail stores and shops. Structures occupied and used for the purpose of displaying commodities or of housing facilities for the providing of personal and professional services to the public in the customary manner. Typical of the uses are supermarkets, convenience goods stores, drug and variety stores, discount stores,

hardware, garden and home supply stores, barber shops, and banks. The definition shall also be construed to include incidental accessory structures and parking areas and the incidental display of commodities outside the structure (i.e. plants at a garden store), but shall specifically exclude automobile salvage and wrecking yards and areas used for the long-term storage of heavy equipment and materials in the open

2. Grade of Building:
  - a. For buildings fronting one street only: The elevation of the sidewalk or center line of street, whichever is higher, at right angles to the midpoint of the fronting walls.
  - b. For buildings fronting on more than one street: The average of the elevations of the sidewalk or center line of street or from the midpoint of the fronting walls.
  - c. For buildings having no walls fronting the streets: The average level of the sidewalk or center line of surrounding streets, whichever is higher.
3. Grade of Streets and Driveways: The ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.
4. Gross Acreage: The total acreage within a project.

#### Section 14.10.080 “H” DEFINITIONS

- a. Health/Fitness Establishments: A building where its primary purpose is to provide equipment, instruction, education, and facilities to better individuals physical wellbeing. Such uses shall include gyms, gymnasiums, yoga studios, aerobic classes, exercise dance, and martial arts.
- b. Height of Building: The vertical distance from the grade to the highest point of the structure.
- c. Home Adult Day Care Facility: Adult Day Care provided in the residence of the care provider for no more than six (6) functionally impaired adults at any one time, including the provider’s own dependent adults.
- d. Home Child Day Care, Large: A Child Day Care/Preschool provider who cares for more than six (6) and up to twelve (12) children, including the provider’s own preschool aged children, at any one time in the residence of the care provider.
- e. Home Child Day Care, Medium: A Child Day Care/Preschool provider who cares for more than three but no more than six (6) children, including the provider’s own preschool aged children, at any one time in the residence of the care provider.
- f. Home Child Day Care, Small: A Child Day Care/Preschool provider who cares for no more than three children, including the provider’s own preschool aged children, at any one time in the residence of the care provider.

- g. Home Occupation: A business or occupation carried out in a residential dwelling.
- h. Host Structure: The primary commercial structure on a lot containing and providing essential area, access, rest room sanitation, and other required elements and services to an ancillary commercial establishment.

#### Section 14.10.090 “I” DEFINITIONS

- 1. Illegal structure: A building or structure that was not in compliance with zoning, building, or planning regulations in effect at the time it was constructed or erected.
- 2. Illegal use: The use of a building, structure or land in a manner for which a conditional use permit was required but was not obtained; which has not complied with the use regulations of the zone in which it is located; or was not established in conformance with applicable governmental regulation at the time the use was established.

#### Section 14.10.100 “J” DEFINITIONS

- 1. Junk Yard see Wrecking Yard.

#### Section 14.10.110 “K” DEFINITIONS

- 1. Kennel: The land and/or buildings used in the business of keeping or boarding three (3) or more dogs and cats at least four months old or older, but shall not include grooming parlors or pet shops.
- 2. Kitchen: Any room used for or intended to be used for cooking and preparing food.

#### Section 14.10.120 “L” DEFINITIONS

- 1. Land Use Plan: A plan adopted and maintained by the City Council, which shows how the land should be used - an element of the comprehensive plan.
- 2. Landscaping: The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representatives. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this title.
- 3. Limited Common Area: The area in a condominium or townhouse project reserved and set aside to be owned in common but dedicated and reserved for use by a specific individual owner within the condominium or townhouse project.
- 4. Living Area: Those portions of a dwelling having a headroom height of not less than seven feet and used for customary living activities. For purposes of this code the term “living area” shall not include those portions of a dwelling intended for parking of vehicles, unenclosed porches, or storage areas having access only from the outside.
- 5. Lot: 1) A parcel of land platted and placed on record in accordance with the laws and ordinances of the city; or 2) a parcel of land described by metes and bounds as shown on

the records of the county recorder. The word “lot” includes the words “plot,” “tract,” or “parcel of land” as the sense may require it.

- a. Lot, Corner: A lot located at the junction of and fronting on two (2) or more intersecting streets.
  - b. Lot, Interior: A lot other than a corner lot.
6. Lot Line:
  - a. Lot Line, Front:
    - i. For an interior lot shall mean the public right-of-way line, which forms a boundary of the lot.
    - ii. For a corner lot, the front lot line shall be the public right-of-way line which forms a boundary of the lot and which is most closely parallel with the front facade of the primary structure on the lot.
  - b. Lot Line, Side: A lot line which is neither a front lot line nor a rear lot line.
  - c. Lot Line, Rear: That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.
7. Lot Width: The horizontal distance between the side lot lines measured at a distance of at least sixty (60) feet from the front lot line.
8. Low power radio service antenna facility: An unmanned structure consisting of equipment used for the transmission, reception or transfer of voice or data through radio wave (wireless) transmissions.

#### Section 14.10.130 “M” DEFINITIONS

1. Manufactured Housing: A dwelling, building or structure constructed at a manufacturing plant by a person licensed by the State of Utah and the Department of Housing and Urban Development to construct a building with the intent of moving the building to another site. Said building is constructed to comply with the applicable State codes and requirements and the Department of Housing and Urban Development regulations for manufactured housing and mobile homes.
2. Mall: A public plaza or walkway of concentrated stores, markets, and service establishments with parking facilities.
3. Marina Facility: The boat launching ramps, docks, parking areas, picnic and other facilities located at the American Fork Boat Harbor, owned and/or operated by American Fork City and available for use by the public.
4. Masonry Wall: A wall constructed of concrete block, structural tile, concrete tilt-ups, pre-cast concrete, concrete with a finish surface, brick, stone, or any combination thereof.
5. Medical Offices/Clinics: A building wherein the medical office/clinic portion: (1) occupies eighty percent or more of the total floor area of the building, or any unit within

the building, and (2) is used for physician services, dental services, ophthalmology services, physical therapy services, mental health services, chiropractic services, and other health-related services to humans. Medical offices/clinics shall be outpatient services only and shall not have any overnight patients within the building.

6. Mixed Use: A structure in which residential and commercial uses are located within the same building.
7. Mobile home: A transportable structure in one or more sections with the plumbing, heating, and electrical systems contained within the unit, which when erected on a site, may be used with or without a permanent foundation as a family dwelling.
8. Mobile home park: Any tract of land on which two or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

#### Section 14.10.140 “N” DEFINITIONS

1. Nonconforming Building or Structure, Legal: A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.
2. Nonconforming Building or Structure, Illegal: A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure that did not exist prior to the effective date of the applicable regulation with which it does not conform.
3. Nonconforming Use, Legal: A use of land that: 1) legally existed before its current land use designation; 2) has been maintained continuously since the time the land use ordinance governing the land changed; and 3) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
4. Nonconforming Use, Illegal: A land use that does not conform to the regulations that now govern the use of the land and did not exist prior to the effective date of the regulation with which it does not comply.

#### Section 14.10.150 “O” DEFINITIONS

1. Office building: A building wherein the office portion: (1) occupies eighty percent or more of the total floor area of the building, or any unit within the building, and (2) is used for commercial office, administrative, and professional use in the business.
2. Office/warehouse: A building containing separate units, each including a combination of office and warehouse space wherein: (1) the activity of the business does not include the on-site sale of goods and services at retail, and (2) the warehouse portion occupies more than fifty percent of the total floor area of the building, or any unit within the building,

and is used for storage of materials or fabrication of products utilized in the conduct of the business activity of the office portion

3. Open space: Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material
4. Outside Storage: An area, outside a fully enclosed building, used for the storage of materials and equipment associated with and on the same lot as a primary use within the zone district. This includes items such as lumber, construction materials, equipment and vehicles actively used in the conduct of the primary business, but not including the storage of inoperable vehicles or equipment or a vehicle impound yard

#### Section 14.10.160 “P” DEFINITIONS

1. Parking space: A space, not less than eighteen feet (with curb) or nineteen feet (without curb) in length and not less than nine feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps.
2. Parking lot: A designated area of property, the primary purpose shall be the parking of motor vehicles for short duration, which vehicles are typically in use, but are temporarily parked until again shortly (twenty-four hours or less) put into service, and containing parking spaces, maneuvering lanes, ingress and egress drives to the public streets and loading areas.
3. Permitted: A use of land, building, or structure which is allowed within a zone under the terms of this code.
4. Planned Residential Development (PRD): A development in which the regulations of the zone in which the development is situated may be modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.
5. Planned unit development: A tract of land which is planned and developed as a single entity and wherein part of the land facilities is held in common.
6. Privacy screen: A sight obscuring fence, wall, hedge, or similar device which is located within the required front or side yard area of a lot adjacent to a street and which is more than forty-two inches in height.

#### Section 14.10.170 “R” DEFINITIONS

1. Reasonable accommodation: A change in any rule, policy, practice, or service necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling
2. Recreation Center: A building that provides an indoor space for a combination of play and fitness activities. Such uses shall include basketball courts, health and fitness equipment, pickleball courts, swimming pools, running tracks, spas, yoga studios, and other play and fitness related services.
3. Recreation vehicle: A vehicle used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes; having a width of not more than eight feet and a

length of not more than forty feet, and which can be driven or pulled upon the highways without a special permit.

4. Recreation or vacation vehicle court: An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than thirty days).
5. Residential Facility for Disabled Persons: A dwelling that houses only disabled persons and staff members serving disabled persons, which is licensed or certified as such by the Utah Department of Human Services. A Sober Living Home shall not be considered a Residential Facility for Disabled Persons.
6. Residential Facility for Elderly Persons: A residential facility in which four, but not more than eight, unrelated elderly individuals reside in a family-type arrangement or in a care facility arrangement and have live-in care providers who are paid to assist and care for the residents.
  - a. Residential facility for elderly persons shall not include any of the following:
    - i. A facility where persons being treated for alcoholism or drug abuse are placed;
    - ii. A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
    - iii. A facility which is a healthcare facility as defined by Utah Code Ann. 26-21-2, as amended; or
    - iv. A facility which is a residential facility for persons with a disability.

#### Section 14.10.180 “S” DEFINITIONS

1. Satellite Earth Station: A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally based uses.
2. Security Lighting: A planned system of lights designed to provide adequate illumination to discourage crime within a development and enhance the safety of patrons of the development.
3. Self-service Storage Facility (mini-warehouse): A building or group of buildings containing individual stalls, lockers or areas, in a controlled access compound, which are rented or leased to different tenants and used for the storage of goods and wares.
4. Setback: That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal and/or accessory structures must be erected or placed.
5. Sidewalk: A paved, surfaced or leveled area, paralleling a street, used as a perpetual, pedestrian right-of-way.



6. Sidewalk Easement: An easement for the installation of a public sidewalk.
7. Site Plan: A detailed plan showing the proposed placement of structures, parking areas, open space, landscaping, and other development features as outlined in the American Fork City Code and American Fork Standards and Specifications Manual.
8. Slope: The average grade of the surface of land expressed either in percentage or in degrees.
9. Sober Living Home: A residential dwelling that is operated pursuant to a program designed to provide a stable environment of clean and sober living conditions for individuals who are recovering from alcohol and/or drug addiction who do not require twenty-four-hour supervision or therapeutic services on the premises. A sober living home shall include facilities licensed as a residential support program by the State of Utah as well as facilities for which no State license is required. However, a sober living home shall not include a facility licensed as a residential treatment program by the State of Utah.
10. Story: The portion of a building included between the surface of the floor and the ceiling next about it.
11. Street: Public or private land used as a thoroughfare primarily for vehicular traffic which provides access to property including all land which has been dedicated, condemned, or abandoned to the public for such use. For the purposes of this Title Interstate 15 is specifically excluded from this definition.
  - a. Street, major: A road which has been designated on the city's master plan as a collector, arterial, or other principal thoroughfare as distinguished from a minor street.
  - b. Street, minor: Any dedicated street serving as the principal means of access to property, which street is not shown on the major street plan as a principal thoroughfare.
  - c. Street, public: A roadway which has been designated as a federal or state highway or which has been designated as a city street.
  - d. Street, private. A privately owned and maintained roadway, built to required standards set forth in this code.
12. Structure: Anything constructed or erected which requires location on the ground, but not including a tent or vehicle.
13. Structure-Subgrade: A structure that: (a) is located primarily below natural grade or the elevation of the nearest public street curb, whichever is higher; (b) does not extend more than one (1) foot, at any point, above natural grade or the elevation of the nearest public

street curb, whichever is higher; and (c) is designed, constructed, and maintained in such a way that the existence of the structure is not readily noticeable when viewed from outside of the property on which it is located.

14. Subdivision: A tract, or lot, or parcel of land which has been divided into two or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development.

#### Section 14.10.090 “T” DEFINITIONS

1. Temporary Use: A specific use which shall not exceed one hundred eighty (180) days.
2. Temporary Site: Any site used for a specified period of time which is not greater than one hundred eighty (180) consecutive days.
3. Townhouse: A dwelling which is attached by a common wall to at least one other dwelling and where ownership includes airspace, walls, and the ground upon which the dwelling sits, and where the ownership includes an undivided interest in the common areas and limited common areas of the development, and where no dwelling is built above or below another dwelling.
4. Twin Home or Duplex: A two-unit dwelling where two units are attached by a common wall centered over a property line.

#### Section 14.10.110 “U” DEFINITIONS

1. Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

#### Section 14.10.120 “W” DEFINITIONS

1. Wrecking yard: The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.
2. Warehouse: A building or group of buildings used for the storage of goods and wares of a single tenant or, if occupied by more than one tenant, where all the individuals stalls or lockers contain more than one thousand square feet.
3. Warehouse, wholesale: A building in which goods, merchandise, or equipment are stored for eventual distribution, but not including a storage yard.

#### Section 14.10.130 “Y” DEFINITIONS

1. Yard: The open space area on a lot or parcel, except for permitted projections and landscaping; encompassing the territory between the outer wall of the building and the

closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.

- a. Yard, Front: A yard extending across the full width of the lot, the depth of which is the shortest distance between the main building and the front lot line.
  - b. Yard, Rear: A yard extending across the full width of the lot and more or less opposite to the front lot line. The depth of the rear yard is the shortest distance between the rear of the main building and the rear lot line.
  - c. Yard, Side: A yard between a building and the adjacent side lot line, extending from the front yard setback to the rear yard setback. On corner lots, the side yard adjacent to a street shall extend from the front yard setback to the rear lot line. The width of the required side setback shall be the shortest distance between the side of the main building and the side lot line.
2. Youth Rehabilitation Home: A facility licensed by the State of Utah for youth offenders that provides care, treatment, and associated rehabilitative services in a residential setting under twenty-four-hour staff supervision.
3. Youth Transitional Home: A residential facility licensed by the State of Utah that provides twenty-four-hour staff supervision and a peer support structure to help individuals under the age of 18 acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such facilities provide supervision, counseling, and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments.

#### Section 14.10.140 “Z” DEFINITIONS

1. Zone: The geographical area of the City within which the zoning regulations are uniform.
2. Zone clearance officer:
3. Zoning lot: A parcel of land which:
  - a. Complies with all area, frontage, depth, and other lot requirements applicable to lots within the zone district, or qualifies as a legal nonconforming lot of record; and
  - b. Is (1) shown as a separate lot in an approved subdivision, which plat or plan has been; and recorded,
  - c. Abuts upon and has direct access to a street, which street has been improved in accordance with city standards and can be used by the public (has a dedicated public easement)

## CHAPTER 14.11 ZONE ESTABLISHMENT

### Section 14.11.010 Declaration of Purpose

1. Purpose. In order to accomplish the purposes of this Title, American Fork City is hereby divided into zones in accordance with the General Plan of the City as hereinafter set forth. In the preparation of this Title, due and careful consideration was given, among other things, to the relative quantities of land needed for particular uses and to the suitability of such land for such uses, to existing and probable future conditions within the City, and to the character of each of the several zones, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
2. Declaration. In establishing the zones, the boundaries thereof, and other regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city

### Section 14.11.020 Location

The location and boundaries of each of the zones as contained herein are shown on the Zone Map entitled ZONE MAP OF AMERICAN FORK CITY, UTAH and all boundaries, notations, and other data shown thereon are hereby adopted as part of this Title, and shall become as much a part of this Title as if fully described herein.

### Section 14.11.030 Determining Zone Boundaries

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

1. Where the indicated boundaries on the Zone Map are approximately street or alley lines, the centerline of said street or alley shall be construed to be the zone boundary.
2. Where the indicated boundaries are approximate lot lines, said lot lines shall be construed to be the zone boundary unless otherwise indicated.
3. Where the indicated boundaries are approximately canals, water courses, or other clearly defined natural features, the center lines of such canals, water courses, or natural features shall be construed to be the zone boundaries unless otherwise indicated.
4. In the absence of any street, land survey, lot, canal, water course, or other natural feature or measurement, the zone boundary shall be determined by the use of scale of measurement shown upon the Map.
5. Where other uncertainty exists, the Planning Commission shall interpret the locations of zone boundaries upon said Zone Map.

## Section 14.11.040 Establishment

The City of American Fork is hereby divided into zones as follows:

ZONES	
Zone Type/Location	
RESIDENTIAL	
R-1-17,000	Single Family Residential
R-1-12,000	Single Family Residential
R-1-7,500	Single Family Residential
R-2-7500	Two-family Residential
R-4-7,500	Multifamily Residential
RA	Residential Agricultural Zone
RETAIL COMMERCIAL AND OFFICE	
CC	Central Commercial
GC	General Commercial - Central
GCE	General Commercial - Edge
DC	Downtown Commercial
SC	Planned Shopping Center
PO	Professional Office
MIXED USE	
PC	Planned Community
TOD	Transit-Oriented Development
INDUSTRIAL	
PI	Planned Industrial
I	Industrial
SPECIAL PURPOSE ZONES	
PF	Public Facilities
SP	Shoreline Preservation
M	Marina

## CHAPTER 14.12 RESIDENTIAL ZONES

### Section 14.12.010 Residential Agricultural

The Residential Agricultural Zone (RA) is established to allow for the integration of residential use and the raising of livestock for family food production and for the pleasure of the people who reside on the premises.

### Section 14.12.010 One-Family Residential

The One-Family Residential (R1) zones are established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one (1) family detached dwellings on individual lots. This zone is characterized by attractively

landscaped lots and open spaces with lawns, shrubs, and other small vegetation. One-Family Residential Zones include the following:

1. R-1-17,000. The R-1-17,000 residential zone is established to promote low density residential estate uses with a minimum lot size of 17,000 square feet per lot. Typical uses within the zone are single family detached housing on larger lots, together with a commingling of parks, playgrounds, trail areas, schools, churches or other places of religious worship, and other community facilities designed to serve the residents of the city. The zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions.
2. R-1-12,000. The R-1-12,000 residential zone is established to promote low density residential estate uses with a minimum lot size of 12,000 square feet per lot. Typical uses within the zone are single family detached housing on larger lots, together with a commingling of parks, playgrounds, trail areas, schools, churches or other places of religious worship, and other community facilities designed to serve the residents of the city. The zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions.
3. R-1-7,500. The R-1-7,500 residential zone is established to promote medium density residential uses with a minimum lot size of 7,500 square feet. Typical uses within the zone are single family detached housing on smaller lots, together with a commingling of parks, playgrounds, trail areas, schools, places of worship, and other community facilities designed to serve the residents of the city. The zone is characterized by smaller lots, uncrowded buildings, and quiet residential conditions

#### Section 14.12.020 Two-Family Residential

The Two-Family Residential Zone (R2) is established to provide a residential environment within the City which is characterized by attractively landscaped one-family and two-family residential lots and structures. This zone is intended to have a residential density slightly higher than the R1 zones, but to maintain a residential character comparable to that of a one-family residential area with large landscaped front yards. Representative uses in this zone are one- and two-family dwellings, trail areas, parks, playgrounds, schools, and churches or other places of religious worship. Two-Family Residential Zones include the following:

1. R-2-7,500. R-2-7,500 residential zone has been established for the purpose of providing a place where single family and two-family dwellings on individual lots can be constructed, having attractively landscaped yards and a favorable environment for family life.

#### Section 14.12.030 Multi-Family Residential

The Multi-Family Residential (R4) zone is established to provide a suitable environment for medium density residential uses. This zone is generally in areas where there is a substantial

demand for multiple dwelling units as indicated in the General Plan. The R4 zone should be established in areas where street and utility systems are adequate to accommodate the permitted density. Typical uses in this zone are three (3) and four (4) family dwellings and apartments. Multi-Family Residential Zones include the following:

1. R-4-7,500. R-4-7,500 residential zone is established for the purpose of providing a place where single family, two family and multi-family dwellings can be constructed, having attractively landscaped yards and a favorable environment for family life.

#### Section 14.12.040 Residential Permitted Uses

Uses permitted within residential zones shall be as set forth in \_\_\_\_\_.

#### Section 14.12.050 Residential Development Standards

The following standards shall apply to all principal buildings and dwellings in a residential zone:

RESIDENTIAL DEVELOPMENT STANDARDS						
	R-1-17,000	R-1-12,000	R-1-7,500	R-2-7,500	R-4-7,500	RA
Minimum Lot Area (sq. ft.)	17,000	12,000	7,500	Single family detached: 7,500 sq. ft. Single family attached: 12,000 sq. ft.	Single family detached: 7,500 sq. ft. Single family attached: 12,000 sq. ft. for first two units plus 4,000 sq. feet for each additional attached unit Multifamily: 20,000 sq. ft. for first four units, plus 3,000 sq. ft. for each additional unit	43,560
Minimum Lot Width (ft.) <sup>1</sup>	115 ft.	100 ft.	75 ft.	Single family	Single family	125 ft.

				detached: 45 ft. 2-unit Single family attached: 90 ft.	detached: 45 ft. Single family attached: 90 ft. for first 2 attached units plus 15 ft per additional attached unit	
Minimum Lot Depth (ft.)	100	100	100	100	100	100
Minimum Footprint, excluding garage, carport, porch, breezeway, or similar area not used as a living area (sq. ft.)	1,000	1,000	800	N/A	N/A	1,200
Minimum Structure Height – Principal Building <sup>2</sup>	8 ft. above ground level	8 ft. above ground level	8 ft. above ground level	8 ft. above ground level	8 ft. above ground level	8 ft. above ground level
Maximum Structure Height – Principal Building <sup>2</sup>	36 ft. <sup>4</sup>	36 ft. <sup>4</sup>	36 ft. <sup>4</sup>	36 ft. <sup>4</sup>	36 ft. <sup>4</sup>	36 ft. <sup>4</sup>
Minimum Structure width	20 ft. <sup>3</sup>	20 ft. <sup>3</sup>	20 ft. <sup>3</sup>	N/A	N/A	N/A
Maximum Building Lot Coverage (Principle and accessory buildings)	50%	50%	50%	50%	50%	50%

<sup>1</sup> Lot width is measured at the setback line.

<sup>2</sup> Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height.



<sup>3</sup> As measured from the outside wall at the narrowest point of the first story, exclusive of any garage, porch, shed or similar area not considered as living area. The width shall be considered the lesser of the two primary dimensions.

<sup>4</sup> Public buildings and churches may be erected to any height, provided the building is set back from required setback lines a distance of at least one foot for each additional foot above the height otherwise permitted in the zone in which it is located.

INTERIOR LOT SETBACKS						
	R-1-17,000	R-1-12,000	R-1-7,500	R-2-7,500	R-4-7,500	RA-1
Front <sup>1</sup>	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Rear <sup>2</sup>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Side (Each Side/Total for Both Sides)	10 ft./22 ft.	10 ft./22 ft.	10 ft./22 ft.	10 ft./22 ft.	10 ft./22 ft. <sup>3</sup>	10 ft./22 ft.
CORNER LOT SETBACKS						
	R-1-17,000	R-1-12,000	R-1-7,500	R-2-7,500	R-4-7,500	RA-1
Front <sup>1,4</sup>	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Rear <sup>2</sup>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Side (Each Side/Total for Both Sides)	10 ft./30 ft.	10 ft./30 ft.	10 ft./30 ft.	10 ft./30 ft.	10 ft./30 ft.	10 ft./30 ft.
Side abutting street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
<sup>1</sup> Front setback shall be measured from the lot line						
<sup>2</sup> Rear setbacks shall be measured from the lot line						
<sup>3</sup> Multifamily buildings shall not be permitted adjacent to single family residences (attached or detached) unless the multifamily is at least 30' from the single-family residential building.						
<sup>4</sup> The front setback for any dwelling located between two existing dwellings may be the same as the average for said two existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet of each other. In no event shall a dwelling be located closer than twenty feet from the right-of-way or easement line of said street						

## Section 14.12.060 Dwelling Unit Development Standard Exceptions

Exceptions to the development standards and setbacks stated above may be allowed for infill developments (contiguous undeveloped land is less than \_\_\_\_\_ sq. ft.) in the following circumstances:

1. LOT WIDTH. The Planning Commission may approve a subdivision in the single family and two-family zones with lots that have a width less than that required above provided the following conditions are met:

- a. The proposed lot width in the R-1-17,000 and the R-1-12,000 zones is at least eighty-five percent (85%) of the minimum lot width required by these zones, and the proposed lot width in the R-1-7,500 and R-2-7,500 zones is at least ninety-five percent (95%) of the minimum lot width required by these zones;
  - b. The proposed subdivision is created only from a metes and bounds lot that is vacant or occupied only by a single-family dwelling and not from any lot platted in a recorded subdivision;
  - c. No more than two (2) lots with a reduced lot width are created by the proposed subdivision or from any metes and bounds lot in existence as of February 1, 2026;
  - d. Each lot contains at least the minimum square footage required by the zone in which the lot is located;
  - e. The applicant demonstrates that the buildable area for each lot is at least thirty feet (30') in width and that it is feasible to construct a marketable house on each lot for which the required lot width is reduced. In order to fulfill this requirement, the applicant may be required to submit house plans that could be built on the lot with the reduced lot width;
  - f. No part of the front lot line of a lot with a reduced width is located on the bulb of a cul-de-sac;
  - g. Each lot meets all other applicable subdivision and zoning ordinance requirements.
2. LOT SIZE. The Planning Commission may approve a subdivision with lots that have an area less than that required by the zoning ordinance provided the following conditions are met:
- a. The proposed area of each lot is at least ninety percent (90%) of the minimum lot area required by the zone in which the lot is located;
  - b. The proposed subdivision is created only from a metes and bounds lot that is vacant or occupied only by a single-family dwelling and not from any lot platted in a recorded subdivision;
  - c. No more than two (2) lots with a reduced lot area may be created by the proposed subdivision or from any metes and bounds lot in existence as February 1, 2026;
  - d. The average lot size of all lots in the subdivision is equal to or greater than the minimum square footage required by the zone in which the lots are located excluding the area of any private drive accessing a deep lot;
  - e. No deep lot shall have a reduced lot area;

- f. The applicant demonstrates that it is feasible to construct a marketable house on each lot for which the required lot area is reduced. In order to fulfill this requirement, the applicant may be required to submit house plans that could be built on the lot with the reduced lot area;
- g. The area of a private drive accessing a deep lot is not included toward meeting the reduced lot area requirement of any lot; and
- h. Each lot meets all other subdivision and zoning ordinance requirements including setback and lot width requirements.

#### Section 14.12.070 Dwelling on Zoning Lot

There shall only be one building containing a dwelling on a zoning lot in residential zones.

#### Section 14.12.080 Accessory Buildings/Structures

- 1. All accessory buildings in a Residential Zone shall comply with the height and setback requirements set forth in Subsection 1 and Section \_\_\_\_\_.
  - a. Location.
    - i. Distance from primary structure. Accessory buildings/structures requiring a building permit shall be located at least twelve feet from the primary structure on the lot.
    - ii. Front setback. Accessory buildings/structures shall be at least thirty-five (35) feet from the front property line and set back at least five (5) feet from the front of the primary dwelling.
      - 1. Exception: In the RA zone, where no main building exists on the lot, an Accessory Building shall be set back no less than 75 feet from the front lot line.
    - iii. Side setback. Accessory buildings/structures, including all eaves, overhangs, etc., shall be at least five (5) feet from the side lot line. In addition, it shall not be placed within a required side yard adjacent to a street, or within any public utility easement.
    - iv. Rear setback. Accessory buildings/structures, including all eaves, overhangs, etc., shall be at least five (5) feet from the rear lot line. In addition, it shall not be placed within a required side yard adjacent to a street, or within any public utility easement.
    - v. In no case may an accessory building/structure extend beyond property lines.

- b. Maximum Area Limitations. The total footprint area of all accessory buildings/structures shall not exceed eight percent (8%) of the area of the parcel upon which they are located for single-family lots and twelve percent (12%) for multifamily developments.
- c. Maximum Height. The height of an accessory building/structure shall not exceed 24 feet or the height of the primary dwelling, whichever is less. Any portion of the structure within 10 feet of the property line shall not exceed 20 feet.
  - i. Exception: The maximum height for an accessory building in the RA zone is 35 feet.
- d. Architectural Controls. If the total footprint area of an accessory building/structure exceeds 500 square feet or 50% of the footprint area of the primary structure (whichever is less), the accessory structure must:
  - i. be designed with residential styling, including:
    - 1. a roof pitch which matches that of the primary structure, but not to be less than four feet of rise to twelve feet of run for single-family lots whereas multifamily developments may have flat roofs for carports; and
    - 2. exterior finishing materials similar to the exterior finishing materials used on the primary structure or primary structures on any surrounding residential property within a 300-foot radius; and
    - 3. have design characteristics that are in harmony with existing residential buildings in the neighborhood; and
    - 4. create no substantial adverse aesthetic or economic impacts on the neighborhood.
- e. Building Codes. An accessory building/structure shall be constructed in accordance with the requirements of the International Building Codes.
- f. Use Limitations. An accessory building/structure located in a residential zone shall not be designed or used as a guest house or a separate apartment unit and the use must be subordinate to the primary structure on the lot.
  - i. Exception: within the RA zone, an “accessory building” may be the only building on the lot. However, at the time a dwelling unit is constructed on the lot, said dwelling unit shall be built to ensure the accessory building complies with the regulations of this Section.

- g. Restriction of Drainage. Accessory buildings/structures shall be constructed in such a manner that water run-off from the accessory building/structure does not flow onto adjoining property.
  - h. Prohibited Structures. Shipping containers, semi-trailers, boxcars, PODS®, or similar structures may not be installed or maintained on a residential lot, but may be used as the internal structure of an accessory building.
- 2. Permit and Approval Requirements.
  - a. A building permit is required for all buildings larger than 200 sq. ft.
  - b. Site plan approval shall be required for all buildings larger than 750 sq. ft. Review and approval of said site plan shall be provided by the development review committee. Site plans shall include:
    - i. Utilities for buildings more than 750 sq.ft.;
    - ii. Civil engineering plans for buildings more than 750 sq.ft.;
    - iii. Storm Water Pollution and Prevention Plans for buildings more than 750 sq. ft. if the building is within 50 feet of a water of the state wetland, watershed outfall, or ditches, sloughs, or similar waterways.
- 3. Barns. No barn, corral, or coop shall be constructed closer than one hundred feet to any existing dwelling nor shall any corral, pen or coop be constructed or maintained closer than twenty feet to any open waterway that drains into a natural stream. Surface drainage from corrals, pens, or coops shall not be permitted to drain into a waterway that drains into a natural stream.

#### Section 14.12.080 Accessory Dwelling Unit – Residential

External Accessory Dwelling Units are prohibited. Internal Accessory Dwelling Units are permitted within the city, subject to compliance with the conditions and criteria set forth herein:

- 1. Conditions and Criteria. A maximum of one accessory apartment may be allowed in a detached single-family home within all single-family residential zones. Accessory apartments shall not be calculated as additional density. No accessory apartment may be allowed in any single family attached, two-family or multi-family dwelling unit, or on any lot or parcel that cannot satisfy the parking requirements.
- 2. Owner Occupied. No accessory apartment shall be created or occupied in a single-family home unless the owner of the property occupies either the main dwelling or the accessory apartment. For the purpose of this section, the term “owner occupied” shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls.

3. **Parking.** One additional off-street parking space can be required for an accessory apartment. No parking spaces may be located within a front or side yard; except within an approved driveway. Tandem parking within a driveway is allowed to meet the parking requirement.
4. **Utility Meters.** A single-family home with an accessory apartment may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.
5. **Address.** The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the principal dwelling as unit "A" and the accessory apartment as unit "B". Address must be located in a visible location on the street frontage side of the home.
6. **Appearance.** The outside appearance of a single-family home with an accessory apartment shall not be changed from that of a single-family home.
7. **Entrances.** An accessory apartment shall have a dedicated entrance located on any side or rear of the single-family home or at the front of the home if it is below grade and maintains the characteristics of a single-family home.
8. **Separate Living Areas.** An accessory apartment must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.
9. **Not Intended for Sale.** The accessory apartment shall not be intended for sale or detached by deed and shall only be rented.
10. **Accessory Apartment Permit.** Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain an accessory apartment permit from the Development Services Department. Before the permit is issued the applicant shall:
  - a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
  - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
  - c. Pay fees in accordance with the American Fork City Resolution establishing fees and charges.

11. Rental License. Accessory Apartments are subject to the rental dwelling license requirements set forth in the American Fork City Code.

## CHAPTER 14.13 RETAIL COMMERCIAL AND PROFESSIONAL OFFICE

### Section 14.13.010 Intent

The intent of establishing retail commercial and professional office zones is to provide areas within the city that encourage an environment for family life. Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof. Retail Commercial and Professional Office zones include the following:

### Section 14.13.020 CC – Central Commercial

The intent in establishing the CC central commercial zone is to provide a place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of American Fork City and surrounding areas. It is the further intent in establishing this zone to maintain the central business district as the "heart of the city" allowing residential units to be located therein while maintaining street level commercial uses. The uses characteristic of this zone are retail stores, banks, office buildings, theaters, hotels, a wide variety of specialty shops, restaurants, and higher density residential uses. Conversely, uses which tend to create business dead spots, cause undue scattering of business and generally tend to thwart the use of the land for its primary purposes shall be excluded from the zone.

### Section 14.13.030 GC – General Commercial

The intent in establishing the GC general commercial zone is to provide an area in which a congruous mixture of retail, commercial and related uses may be located in a coordinated design environment. The zone is generally located along major transportation arteries of the city where land ownership is in relatively large blocks permitting integrated design and development and the sharing of amenities and facilities. It is intended that the zone also function as a transition zone.

### Section 14.13.040 DC – Downtown Commercial

The intent in establishing the DC downtown commercial zone is to provide a place where retail and service uses will serve the needs of the citizens of American Fork City and surrounding areas while also encouraging and facilitating the preservation and restoration of the downtown community. The zone is to be applied to the existing built-up areas within and adjacent to the existing central commercial areas of the city which were initially developed for residential purposes, but which have more recently experienced a trend toward conversion in use for office and commercial purposes.

### Section 14.13.050 GCE General Commercial Edge

The intent in establishing the GCE general commercial zone is to provide a place for wholesaling and retailing activities and services, along with the fabrication and processing of goods and material where no fumes, glare, dust, noise, smoke or vibration are emitted beyond the premises. While primacy is given to wholesaling and retailing activities, motels and vacation vehicle courts are also characteristic of the uses of this zone.

### Section 14.13.060 SC – Shopping Center

The intent in establishing the SC planned shopping center zone is to provide a way whereby residents in the surrounding areas can obtain daily household goods and services with maximum convenience and safety. The zone should be located adjacent to the residential uses. The zone shall be characterized by a harmonious grouping of retail and service stores and shops which are architecturally designed as an integrated unit. Lighting shall be of a relatively low intensity and should be shielded to protect surrounding residential areas. Developers and owners of the stores and shops within the center should bear in mind that the privileges of providing the goods and services carries with it a corresponding responsibility to develop and maintain the facilities in harmony with the aesthetic qualities of the surrounding area.

### Section 14.13.070 PO – Professional Office

The PO professional office zone is established to provide an area which will accommodate the community's hospital and related buildings housing various health care uses; nursing homes and similar structures providing assisted care residential facilities; and a mixture of offices and related facilities for professional persons. Also, limited amounts of housing under planned conditions would be permitted within the zone.

### Section 14.13.080 Permitted Uses – Retail Commercial and Professional Office

Uses permitted within CC, GC, DC, SC, and PO zones shall be as set forth in

\_\_\_\_\_.

### Section 14.13.090 Development Standards – Retail Commercial and Office

The following standards shall apply to all buildings in the respective Retail Commercial or Office zone:

RETAIL COMMERCIAL AND OFFICE DEVELOPMENT STANDARDS						
	CC	GC	GCE	DC	SC	PO
Minimum Lot Area (sq. ft.)	N/A	N/A	N/A	N/A	6 acres	20,000 sq. ft.
Minimum Lot Width (ft.) <sup>1</sup>	50 ft.	100 ft.	100 ft.	50 ft.	100 ft.	100 ft.
Minimum Lot Depth (ft.)	50 ft.	100 ft.	100 ft.	50 ft.	100 ft.	100 ft.



Minimum Structure Height – Principal Building <sup>2</sup>	25 ft.	25 ft.	25 ft.	25 ft.	N/A	N/A
Maximum Structure Height	N/A	N/A	N/A	N/A	N/A	36 ft. <sup>2</sup>

<sup>1</sup> Lot width is measured at the setback line.

<sup>2</sup> Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height.

SETBACKS <sup>4</sup>						
	CC	GC	GCE	DC	SC	PO
Front	Max – 10 ft. <sup>1, 2</sup>	Max – 15 ft. <sup>1, 2</sup>	Min – 15 ft. <sup>3</sup>	Max – 10 ft. <sup>1, 2</sup>	Min – 10 ft. <sup>3</sup>	Max – 30 ft.
Rear <sup>2</sup>	Min 10 ft. – when abutting a street  0 ft. when the rear lot line is interior	Min 10 ft. – when abutting a street  0 ft. when the rear lot line is interior	Min – 10 ft. when abutting a street <sup>3</sup>  0 ft. when the rear lot line is interior	Min 10 ft. – when abutting a street  0 ft. when the rear lot line is interior	Min – 30 ft. when abutting a street <sup>3</sup>  0 ft. when the rear lot line is interior	Interior lot: Min – 30 ft.  Corner lot: Min. 10 ft.
Side (Each Side/Total for Both Sides)	Min 10 ft. – when abutting a street  0 ft. when the side lot line is interior	Min 10 ft. – when abutting a street  0 ft. when the side lot line is interior	Min – 10 ft. abutting the street  0 ft. when the side lot line is interior	Min 10 ft. – when abutting a street  0 ft. when the side lot line is interior	Min – 30 ft. abutting the street  0 ft. when the side lot line is interior	Interior lot: Min. – 8 ft./20 ft.  Corner lot: Min. – 10 ft. on side abutting a street, 8 ft. on interior side

<sup>1</sup> Setback is measured at the lot line abutting a street

<sup>2</sup> Gasoline service stations shall be set back at least 20 feet from all property lines.

<sup>4</sup> A setback equal to the height of the building/accessory structure or of 30 feet, whichever is greater, shall be required when a lot located within a retail commercial or office zone abuts a residential zone.

## Section 14.13.100 Accessory Building – Retail Commercial and Professional Office

1. All accessory buildings shall comply with the height and setback requirements set forth in Subsection 1 of this Section and Section \_\_\_\_\_.
2. Location.
  - a. Distance from primary structure. Accessory buildings/structures requiring a building permit shall be located at least twelve feet from the primary structure on the lot.
  - b. Front setback. Accessory buildings/structures shall be at least thirty-five (35) feet from the front property line and set back at least five (5) feet from the front of the primary dwelling.
  - c. Side setback – Interior lot line. All accessory buildings /structures shall be set back not less than five feet from the lot line.
  - d. Rear setback. Accessory buildings/structures shall be at least five (5) feet from the rear lot line.
  - e. Property lines. In no case may an accessory building/structure extend beyond property lines.
3. Maximum Area Limitations. The total footprint area of all accessory buildings/structures shall not exceed twelve percent (12%) of the parcel on which they are located
4. Maximum Height. 24 feet, but not to exceed the height of the primary structure.
5. Architectural Controls. If the total footprint area of an accessory building/structure exceeds 500 square feet or 50% of the footprint area of the primary structure (whichever is less), the accessory structure must:
  - a. Contain exterior finishing materials similar to the exterior finishing materials used on the primary structure or primary structures on any surrounding residential property within a 300-foot radius; and
  - b. have design characteristics that are in harmony with existing buildings in the neighborhood.
6. Building Codes. An accessory building/structure shall be constructed in accordance with the requirements of the International Building Codes.
7. Restriction of Drainage. Accessory buildings/structures shall be constructed in such a manner that water run-off from the accessory building/structure does not flow onto adjoining property.

## Section 14.13.110 Site Plan Required – Retail Commercial and Office Zones

Prior to the issuance of a building permit for any development within the Retail Commercial and Office Zones (CC, GC, GCE, DC, SC, and PO), a site plan shall be submitted and approved by the planning commission.

## Section 14.13.120 Special Provisions – Retail Commercial and Office Zones

1. The following special provisions shall be require for all development within the Retail Commercial and Office Zones (CC, GC, GCE, DC, SC, and PO):

- a. The space required around buildings and structures shall be kept free from refuse and debris.
  - b. All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
  - c. All off-street parking shall be hard-surfaced.
  - d. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this code.
- 2. The following special provisions shall be required for all development within the central commercial (CC) and Downtown Commercial (DC) zones:
  - a. All material, merchandise, and equipment (except vehicles in running order) shall be stored within an enclosed building.
  - b. All display, sales and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including but not limited to automobile sales lots and automobile service stations, temporary sales of Christmas trees, and nursery stock, shall be permitted outside a building unless otherwise prohibited under the terms of this code.
  - c. No dust, odor, smoke, vibration, or intermittent light, glare, or noise shall be permitted which is discernible beyond the premises except for normal traffic movement.
  - d. At least fifty percent of any wall area that faces a street or other public space shall contain display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Walls facing side streets must contain at least twenty-five percent of the wall space in windows, display areas, or doors. Blank walls (i.e., walls without any doors or windows) are prohibited. A variety of compatible exterior materials (minimum 4), colors and design shall be used on all buildings. Architectural style shall consider historical precedent and material used within the downtown area and compliment that precedent.
- 3. The following special provisions shall be required for all development within the General Commercial (GC) and General Commercial Edges (GCE) zones:
  - a. All material, equipment (except vehicles in running order), and merchandise shall be stored within an enclosed building or within an enclosed fence or wall of not less than six feet in height provided that there shall be no areas or enclosure requirement for automobile sales or storage lots for vehicles in running order in the General Commercial Zone. All display, sales and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including but not limited to automobile sales lots and automobile service stations, temporary sales of

Christmas trees and nursery stock, shall be permitted outside a building unless otherwise prohibited under the terms of this code.

- b. The entire lot shall be kept free from refuse, debris and junk.
  - c. No noise, fumes, smoke, dust vibration or intermittent light shall be emitted from the premises which is deleterious to surrounding property values.
4. The following special provisions shall be required for all development within the Shopping Center (SC) zone:

## CHAPTER 14.14 MIXED USE ZONES

### Section 14.14.010 Intent

The intent of establishing a mixed-use zone is to provide areas within the city that encourage an environment for family life. Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof.

## CHAPTER 14.15 INDUSTRIAL ZONES

### Section 14.15.010 PI – Planned Industrial

The intent in establishing the PI planned industrial zone is to provide for places within the city where office buildings, research establishments, and the manufacturing, fabrication, processing and storage of light weight and non-bulky products can be constructed and maintained in attractive and landscaped settings. This zone shall be characterized by a production center consisting of an individual building or harmonious grouping of buildings located and designed as an integrated unit around a central landscaped open space or building which are surrounded by landscaped open space. Developers and owners of buildings and attendant facilities (parking areas, storm water control basins, etc.) should bear in mind that the privilege of occupying the buildings within this zone carries with it the corresponding responsibility to develop and maintain the buildings and facilities in harmony with the aesthetic qualities of city parks.

### Section 14.15.020 I – Industrial

The I light industrial zone has been established for the purpose of providing a place where firms engaged in the light manufacturing, processing, warehousing and fabrication of goods and materials can locate with minimum conflict or deleterious effect on surrounding properties and uses and with a high degree of protection from encroachment of residential, retail commercial and other incompatible uses. It is also intended in this zone to promote the economic well-being of the people and broaden the tax base. The zone is characterized by a mixture of industrial establishments, with ready access to major transportation routes, and served by adequate streets, power, water and other utilities and facilities. Some of the territory designated will consist of open land intended for future industrial development. This land will continue to be used for agriculture or other open land uses, until its industrial potential is realized.

Representative of the uses within the zone are structures utilized for light manufacturing, fabrication, processing, storage, warehousing and wholesale distribution, under conditions which limit the generation of noise, vibration, smoke, odor, dust, fumes, or hazard from explosion.

#### Section 14.15.030 Permitted Uses – Industrial zone

Uses permitted within PI and zones shall be as set forth in \_\_\_\_\_.

#### Section 14.15.040 Development Standards – Industrial Zones

The following standards shall apply to all buildings in the respective Industrial zones:

INDUSTRIAL		
	PI	I
Minimum Lot Area (sq. ft.)	2 acres	2 acres
Minimum Lot Width (ft.) <sup>1</sup>	100 ft.	100 ft.
Minimum Lot Depth (ft.)	100 ft.	150 ft.
Minimum Structure Height – Principal Building	N/A	N/A
Maximum Structure Height	36 ft.	36 ft.
<sup>1</sup> Measured from the property line		
SETBACKS <sup>2</sup>		
	PI	I
Front	Min. 30 ft. <sup>1</sup>	Min. 30 ft.
Rear <sup>2</sup>	Interior lot line: 10 ft.	Interior lot line: 10 ft.
	Lot line abutting street: 30 ft. <sup>1</sup>	Lot line abutting street: 30 ft. <sup>1</sup>
Side (Each Side/Total for Both Sides)	Interior lot line: 10 ft./20 ft.	Interior lot line: 10 ft./20 ft.
	Lot line abutting street: 30 ft. <sup>1</sup>	Lot line abutting street: 30 ft. <sup>1</sup>
<sup>1</sup> If the setback area is to be used for parking, then the setback should be at least 40 ft. <sup>2</sup> A setback equal to the height of the building/accessory structure or 50 feet, whichever is greater, shall be required when a lot located within a retail commercial or office zone abuts a residential zone.		

#### Section 14.15.050 Site Plan Required – Planned Industrial and Industrial Zones

Prior to the issuance of a building permit for any development within the Planned Industrial (PI) and Industrial (i) zones, a site plan shall be submitted and approved by the planning commission.

#### Section 14.15.060 Special Provisions – Planned Industrial and Industrial Zones

1. The following special provisions shall be require for all development within the Planned Industrial (PI) and Industrial (i) zones:

- a. The space required around buildings shall be kept free from refuse and debris.
  - b. All uses shall be conducted entirely within a fully enclosed building, except those uses deemed by the city to be customarily and appropriately conducted in the open.
  - c. Outside storage. No portion of a designated off-street parking area shall be used for the storage of materials or vehicles. All materials and vehicles used in the conduct of the business activity shall be stored within an enclosed building or within an area designated for such use as shown on the approved site plan.
  - d. Outside storage areas. All outside storage areas shall be enclosed with a fence or wall of not less than six feet in height.
  - e. Maintenance of premises. The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material which may constitute a fire hazard.
  - f. Disposal of surface water. The site plan and improvements shall provide for the efficient removal and proper disposal of surface water generated by the use.
  - g. All buildings and uses within the zone shall comply with the terms of the approved site plan and all applicable supplementary development standards as set forth in this code.
2. The following special provisions shall be required for all development within the Industrial (i) zones:
- a. Structures and areas used for the manufacturing, compounding, processing fabrication and warehousing of goods and materials, shall comply with the following conditions and exclusions:
    - i. None of the activities carried out on the premises shall produce any noxious odor or any fumes, smoke, noise, vapor, vibration, glare or similar condition which is harmful to persons or which is readily discernible beyond the boundary of the zone or create an adverse visual impact readily discernible from the public roads.
    - ii. The following uses are specifically excluded from the zone:
      - 1. Automobile wrecking and salvage yards.
      - 2. Junk storage or solid waste disposal sites.
      - 3. Livestock and feed yards.
      - 4. Bio-diesel production facilities.

## CHAPTER 14.15 SPECIAL PURPOSE ZONES

### Section 14.15.010 PF – Public Facilities

The public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi-public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located,

constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.

#### Section 14.15.020 SP – Shoreline Protection

The SP shoreline preservation zone covers the riparian area adjacent to Utah Lake. This area is subject to periodic flooding and a very high-water table (when not actually inundated). Experience has shown this area to be generally unsuited for general development and environmentally fragile; its preservation is of importance to the city. Uses which tend to produce a hazardous condition or otherwise degrade or militate against the preservation of the shoreline are not permitted. Accordingly, uses within the zone are limited to uses which will not significantly degrade the environment of the lake shore area or require a significant commitment of public resources for protection during times when the area is inundated with flood waters. Typical uses within the zone are a combination of natural areas, public and private open space areas, golf courses, camping and similar open recreation areas, boat launch ramps and harbor facilities. Regulation of this zone is intended to: 1) protect the shoreline of Utah Lake; 2) protect natural and cultural resources and features adjacent to the lake; 3) protect public access to the lake; 4) provide a corridor for a non-motorized trail around Utah Lake; and 5) preserve and improve the use and water quality of Utah Lake.

#### Section 14.15.030 - M – Marina

The intent in establishing the marina zone is to promote and provide for the development of private facilities and activities which augment, enhance, and are consistent, compatible and congruent with the American Fork Marina and its facilities and activities in the area located adjacent to or in the vicinity of the Utah Lake shoreline and containing but not limited to the area compromising the American Fork Marina. The zone is generally located adjacent to the Utah Lake shoreline in locations where adequate transportation routes are available, where existing residential development is minimal to reduce adverse impacts, and where land ownership is in relatively large blocks permitting flexibility in design and development and the preservation of portions of the project area considered unsuited for development.

#### Section 14.15.040 Permitted Uses – Special Purpose Zones

Uses permitted within PF, SP, and M zones shall be as set forth in \_\_\_\_\_.

#### Section 14.15.050 Development Standards – Special Purpose Zones

The following standards shall apply to all buildings in the respective Special Purpose zone:

SPECIAL PURPOSE ZONE			
	PF	SP	M
Minimum Lot Area (sq. ft.)	N/A	N/A	
Minimum Lot Width (ft.) <sup>1</sup>	N/A	N/A	

Minimum Lot Depth (ft.)	N/A	N/A	
Minimum Structure Height – Principal Building	N/A	No Structures Permitted	
Maximum Structure Height	N/A	No Structures Permitted	
<sup>1</sup> Measured from the property line			
SETBACKS			
	PF	SP	M-1
Front		No Structures Permitted	
Rear <sup>2</sup>		No Structures Permitted	
Side (Each Side/Total for Both Sides)		No Structures Permitted	
<sup>1</sup> If the setback area is to be used for parking, then the setback should be at least 40 ft.			

## CHAPTER 14.16 REQUIRED PARKING

### Section 14.16.010 Application of Standards

Wherever the terms of the American Fork City Code require that off-street parking facilities be required in conjunction with a specific use or development project, the minimum number of spaces to be provided, the location of off-street parking facilities, vehicular access to and circulation within the parking area, the layout and design, and the landscape treatment of the areas designated for off-street parking shall conform to the terms of this section.

### Section 14.16.020 Off-street Parking Required

Except as otherwise provided in this Chapter, all required parking stalls, loading spaces and maneuvering areas shall be located on the lot upon which the building or use served is located.

### Section 14.16.030 Parking Design Standards

1. Access. Except for on-street parking, no parking stall shall directly access a dedicated street. Each parking stall shall have independent access from a driving aisle
2. Size. Required parking stalls shall be rectangular with a minimum width of nine feet (9') and a minimum length of nineteen feet (19'). If the stall is perpendicular to a curb, the length shall be measured from the curb face. A parking stall may contain less than nineteen feet (19') of pavement in length if all of the following conditions are met:
  - a. The stall has a standard six-inch (6") curb face that will allow vehicles to extend over a landscaped area of no less than six feet (6') in total width;



- b. Each stall contains no less than sixteen feet (16') of pavement in length measured from curb face;
- c. No pedestrian pathway or landscaping that prevents a standard vehicle from overhanging the curb is within two feet (2') of any curb face; and
- d. All other requirements of the City Code are met.

PARKING DESIGN STANDARD			
ANGLE	WIDTH OF STALL	LENGTH OF STALL	WIDTH OF DRIVE AISLE
0 (parallel) – one-way drive aisle/two-way drive aisle	9	24	12/24
30 one-way drive aisle	9	18 with curb overhang or 19 with no overhang	12
45 one-way drive aisle	9	18 with curb overhang or 19	14
60 one-way drive aisle	9	18 with curb overhang or 19	18
90 – one-way drive aisle/two-way drive aisle	9	18 with curb overhang or 19	12/24

### 3. Location.

- a. All off-street parking areas shall be located on the same parcel as the use intended to be served thereby, except that for uses other than dwellings, the planning commission may approve the placement of some of the required parking spaces on adjacent lands, upon a finding that:
  - i. The use is part of a combined parking facility;
  - ii. The location of the proposed off-site spaces is within the same zone as the primary parcel.
  - iii. The location of the proposed off-site spaces is reasonable and conveniently accessible to the use they are intended to serve; and
  - iv. A parking easement for the benefit of the applicant is recorded on the burdened parcel.
- b. Required parking stalls shall not be located in delivery areas, service driveways, driving aisles, drive-in stacking lanes, shopping cart storage areas, or areas in

front of overhead service doors. Designated loading spaces shall not encroach into any fire lane or pedestrian pathway.

4. Combined Parking Areas and Shared Parking Arrangements.

- a. Combined parking authorized. The off-street parking for a project containing two or more adjacent buildings or uses may be combined, provided that the total number of spaces shall not be less than the sum of the requirements for each of the individual uses and that the area devoted to off-street parking area is part of the common amenities of the project and/or the right of use and access to the combined parking area by all uses within the project is assured through reciprocal cross-easements and agreements which prohibit the reservation of a portion of the off-street parking area to a specific owner or tenant and which establish responsibility for maintenance thereof.
- b. Shared parking arrangements authorized. The off-street parking for a development project containing a variety of uses having different parking demand characteristics and time-of-day demand may be combined, subject to the following:
  - i. The total number of spaces shall be sufficient to meet the maximum time-of-day requirement for the project (as determined by the Development Services Director).
  - ii. The area devoted to off-street parking shall be part of the common amenities of the project and/or the right of use and access to the combined parking area by all uses within the project is assured through reciprocal cross-easements and agreements which prohibit the reservation of a portion of the off-street parking area by a specific owner or tenant and which establish responsibility for maintenance thereof.
  - iii. The location and design of the parking areas within the project area shall provide an adequate number of spaces in the proximity of the use intended to be served.

#### Section 14.16.040 Required Parking Spaces

The minimum number of off-street parking spaces required shall be as set forth as follows:

1. Residential Zone.

- a. Single-family detached dwelling: Two spaces per dwelling unit. All spaces shall be located on the same parcel as the dwelling. No portion of a front or side setback area adjacent to a street, including any portion thereof used as a driveway, shall be construed as part of the required off-street parking area.

- b. Single-family attached and multiple family dwelling: Two spaces per dwelling unit, plus 0.25 spaces per dwelling unit for visitor parking. Visitor parking shall be evenly distributed throughout the project.
  - c. Long-term patient care facilities (assisted living centers, rest homes nursing homes): One space for each employee during the maximum care period, plus one space for each four patient rooms for visitors.
  - d. There shall be no additional fee assessed for use of the required parking spaces. This, however, does not preclude assigned parking spaces for tenants and/or staff of a multi family dwelling unit.
2. Commercial and Shopping Center.
- a. General Requirement: Unless otherwise specified herein, the parking requirements for CC, GC, GCE, DC, and SC shall be four and one-half spaces per one thousand square feet of gross floor area, not including areas for outside display and sales (garden areas). Areas intended for outside display and sales (garden areas) shall not be included in calculating compliance with the parking standard. No building shall have fewer than five parking spaces.
3. Professional Office.
- a. General Requirement: Unless otherwise specified herein, the parking requirements for PO shall be four spaces per one thousand square feet of gross floor area excluding portion devoted to stairs and elevator and open atrium spaces above the ground floor. No building shall have fewer than five parking spaces.
4. Industrial
- a. General Requirement PI: Unless otherwise specified herein, the parking requirements for PI shall be four spaces per one thousand square feet of non-warehouse floor area. The parking for warehouse floor area shall be one space per one thousand square feet of floor area.
  - b. General Requirement I: Unless otherwise specified herein, the parking requirements for I shall be two spaces per one thousand square feet of gross floor area.
5. Specific Use Exceptions. Notwithstanding the foregoing, the minimum number of off-street parking spaces required for a specific use shall be as set forth on the following schedule:

Use	Parking Spaces Required
Day care center	0.35 per person (licensed capacity)

Hospital/medical center	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Personal care services	4 per ksf GFA or 1.5 per operator/teaching station
Coin-operated laundries	1 per 2 washing and drying machines
Motor vehicle sales and service	2.7 per ksf GFA interior sales area, plus 1.5 ksf GFA interior or storage/display area, plus 4 per service bay
Car Wash	2 spaces plus 1.5 additional spaces for each two employees on shift
Restaurant	21 per ksf GFA
Fast food	15.0 per ksf GFA; Where take-out window is included, the outside order and stacking lane shall provide an automobile stacking lane for not less than ten vehicles.
Clinic (medical offices with outpatient treatment; no overnight stays)	5.5 per ksf GFA
Warehouse	1 per ksf GFA
Office Warehouse	1.5 per ksf GFA
Governmental	As determined by Development Services Director
Elementary and secondary schools	0.35 per student
College or university	Determined by parking study specific to subject institution
Museum	1.5 per 1,000 annual visitors
Library	4 per ksf GFA
Religious centers	0.33 per seat within the portion of the building used for assembly. In the instance where seating is by pews or benches, eighteen inches of bench length shall be considered as one seat.
Cinemas	Single-screen: 0.5 per seat; Up to 5 screens: 0.33 per seat; 6 or more screens: 0.2 per seat
Theaters (live performance)	0.4 per seat
Arenas and stadiums	0.33 per seat

Health clubs and recreational facilities	1 per 3 persons permitted capacity
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6. Adjustments permitted.

- a. The planning commission may recommend to the city council an increase or decrease to the number of off-street parking spaces herein specified upon a finding, made following a study on the matter, that the use characteristics of the proposed use warrant adjustment. Provided, however, no reduction in the parking requirement shall be permitted based on the projected demand of the initial occupant of a new retail, office or similar use for which a subsequent change in tenancy to another user is probable.
- b. After receiving a recommendation (positive or negative) from planning commission regarding the number of off-street parking spaces, the city council shall have the authority to increase or decrease the number of off-street parking spaces herein specified upon a finding, made following a study on the matter, that the use characteristics of the proposed use warrant adjustment. Provided, however, no reduction in the parking requirement shall be permitted based on the projected demand of the initial occupant of a new retail, office or similar use for which a subsequent change in tenancy to another user is probable.

7. Exception to standard in downtown area. Notwithstanding the off-street parking requirements, on street parking along the frontage of the project lot may be used to meet the required minimum number of off-street parking spaces required for a specific use within the “Downtown” area of the city, subject to the following:

- a. The proposed project is located wholly within the designated Downtown Area, which is designated as follows:
  - i. Center line of 100 South to the North; Centerline of 100 East to the West; Centerline of 100 North to the South; Centerline of 100 West to the East.
- b. The proposed reconstruction or expansion will not reduce the number of off-street parking spaces along the frontage of the project lot, unless approved by the Development Services Director.
- c. The project shall install and/or replace all existing curb, gutter, & sidewalk along the frontage of the project lot in compliance with current city code.
- d. The project shall install and/or replace all parking islands and driveway approaches along the frontage in compliance with current city code.
- e. All required spaces shall be satisfied without the use of time-of-day calculations.

- f. No more than twenty-five percent of the required parking may be on-street parking.
8. Exception to off-street parking standard in the DC Zone. Notwithstanding the off-street parking requirements, additional off-street parking spaces will be required as a condition of approval for any new construction, reconstruction of an existing building, or incidental expansion of any building in the DC zone subject to either one of the following criteria:
  - a. Residential uses: Either of the following off-street parking calculations may be requested by the applicant and may be approved by the city council.
    - i. Two spaces per dwelling unit, plus 0.25 spaces per dwelling unit for visitor parking. Visitor parking shall be evenly distributed throughout the project. However, if any of the conditions found in Table A of this subsection apply, the City Council may, after review and recommendation (positive or negative) from the Planning Commission, decrease the required number of off-street parking spaces as shown. The visitor parking requirement shall not be affected by this reduction and remains at 0.25 spaces per dwelling unit. Under no circumstance shall the per-unit parking requirement drop below 1.75 spaces per dwelling unit, except as referenced in 17.5.133(D).

Table A

Condition	Parking Reduction Per Dwelling Unit
Bike Room <sup>1</sup>	0.05
Grocery Store <sup>2</sup>	0.10
Off-Site Parking <sup>3</sup>	0.15
Transit <sup>4</sup>	0.15
Public <sup>5</sup> Agency/HUD	Up to 0.15
Definitions:	
<sup>1</sup> - Bike Room: A secured bike room of sufficient size to accommodate a minimum of one bicycle per dwelling unit shall be located within the	

<p>structure. In the event of a multi-structure project each building shall have a secured bike room of sufficient size to accommodate a minimum of one bicycle per dwelling unit in the building. The applicant can opt to either (1) show how the required number of bicycles is accommodated in the room or (2) provide a minimum of 40 square feet per bicycle in the room.</p>
<p><sup>2</sup> – Grocery Store: The location of the grocery store shall be less than 1320 feet walking distance from the main entrance of the most distant dwelling unit in the project.</p>
<p><sup>3</sup> – Off-Site Parking: Additional public or shared parking shall be located less than 1320 feet walking distance from the main entrance of the most distant dwelling unit in the project. Parking equivalent to the 0.15 space per dwelling unit reduction shall be secured via agreement with the property owner and recorded. A parking study shall accommodate the agreement so that it can be ensured that the parking facility will not be overallocated.</p>
<p><sup>4</sup> – Transit: The stop location of the high-capacity transit line (light rail, “Trax”, heavy rail, “FrontRunner”, streetcar, high-capacity Bus Rapid Transit, “BRT”) shall be less than 1320 feet walking distance from the main entrance of the most distant dwelling unit in the project.</p>
<p><sup>5</sup>- Public Agency/HUD: Projects that are owned and operated by a public agency or have received a subsidy by HUD or other public agency may be eligible for a reduction of up to 0.15 stalls per unit upon a study that a reduction is warranted.</p>

9. Parking shall be required per unit size as depicted in Table B of this subsection, plus 0.25 spaces per dwelling unit for visitor parking. Visitor parking shall be evenly distributed throughout the project. The visitor parking requirement shall not be affected by this reduction and remains at 0.25 spaces per dwelling unit. Under no circumstance shall the per-unit parking requirement including visitor parking drop below 1.75 spaces per dwelling unit.

TABLE B

Unit Size	Parking Requirement Per Unit (Add 0.25 for visitor parking per unit to derive the aggregated requirement.)
0-350 square feet	1.50
351-600 square feet	1.75
Above 600 square feet	2.00

## CHAPTER 14.17 LANDSCAPING

### Section 14.17.010 Intent

The purpose of the landscaping standards and requirements shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings thereby creating the necessary atmosphere for the orderly development of a pleasant community. These standards seek to further the mission statement of the city: Safeguard the health, safety and welfare of the citizens of American Fork by providing essential services, and opportunities for an enhanced quality of life while honoring its heritage of values, culture and traditions. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of green plants and trees.

### Section 14.17.020 Applicability

The provisions of this section shall be included as part of the site plan submittal for all new construction and expansion in all of the following:

1. Multi-family structures in residential zones including common areas in planned residential development projects.
2. All commercial and planned commercial zones except CC and DC.
3. All industrial and planned industrial zones.
4. All large scale developments.
5. All landscape buffer areas when included as part of the development plan for subdivisions and similar development located along collector and arterial class roads.
6. An expansion shall be defined as an increase in the footprint of a building or parking area.



## Section 14.17.030 Amount and type of landscape required

The amount and type of landscape required shall be as set forth under the following schedule and criteria:

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
All zones except PI, I, CC and DC	If other than lots zoned for single family or two-family dwelling use: One tree per two thousand five hundred square feet of improved area, with no more than twenty percent of the total being ornamental trees or evergreens. One five-gallon shrub per three hundred square feet of improved area; and where applicable in <a href="#">Section 17.5.121</a> .	Parking lot, street frontage, common areas and buffer areas for subdivisions located along collector and arterial class roads
PI	As required in <a href="#">Section 17.5.121.K</a> . and in other sections of <a href="#">17.5.121</a> where applicable	Street frontage, parking lots
I	As required in <a href="#">Section 17.5.121.K</a> . and in other sections of <a href="#">17.5.121</a> where applicable	Street frontage (including perimeter of parking lot along street frontage)

1. Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three one-gallon perennials and/or ground covers for one five-gallon shrub.
2. Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows:
  - a. 10—19 shrubs: Fifty percent.
  - b. 20—39 shrubs: Thirty-three percent.
  - c. 40—59 shrubs: Twenty-five percent.
  - d. 60 or more shrubs: Fifteen percent.
3. Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows:
  - a. 0—5 trees: No limitation.

- b. 6—21 trees: No more than fifty percent of one species.
  - c. 21 or more trees: No more than twenty percent of one species.
- 4. When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.
- 5. When calculating shrub quantities, any grasses, perennials, annuals, and ground covers shall not be counted towards the total shrub count.
- 6. With the approval of the planning department, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.
- 7. Improved area means the total (gross) lot area being used including the building, parking lot, and storage or display areas.

#### Section 14.17.040 Landscaping to conform with city standards

- 1. Scope of requirement. Where landscaping is required, such landscaping shall comply with the requirements of this code for the specific use and location. The planning commission shall determine to what extent landscaping is feasible and sufficient for the CC and DC zone districts. Landscaping for new developments shall occur in all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages, unless otherwise specified herein. All new development and redevelopment must install and maintain landscaping as required by this code.
- 2. Screening requirements. Where landscape screening is required, said screening shall consist of a combination of any trees, shrubs, grasses, perennials, annuals, and landscape boulders, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height from four to six feet.
- 3. Plant quantities. The amount of landscaping is based on gross area of proposed development.
- 4. Landscaping in connection with the development of property shall be provided and maintained in accordance with American Fork Development Standards and Specifications.

#### Section 14.17.050 Landscape plans and equivalent plants—General standards

- 1. Landscape plan required. Where landscaping is required, a landscape plan shall be submitted. Said plan shall consist of a plot plan showing the proposed landscape development, irrigation plan, and use of the property. Said plan shall be submitted to the Development Services Department. The same plan used to show parking layout or other requirements for the issuance of a building permit may be used to show the type and size

of plant materials, structures, and other features to be included, provided the features are detailed adequately. The Development Review Committee may disapprove of such plans if it is determined that such plans are not adequate or if they are inconsistent with the purposes of this code. However, any dispute with the decision of the Development Review Committee relating to said landscape plan may be appealed to the planning commission for their determination.

2. Landscape plans and equivalent plants.

- a. Landscape plans must identify the species, sizes, percentages and quantities of vegetation.
- b. All landscaping shall be installed as shown on the approved plan.
- c. An equivalent species may be substituted in the field, provided a revised drawing is submitted to the planning department. Plants are "equivalent" if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
- d. All other changes to the approved landscape plan require prior approval from the Development Review Committee.
- e. All development plans shall designate required landscaping areas.

Section 14.17.060 Standards and criteria—General standards

1. Minimum plant sizes. Minimum plant sizes are:

- a. Shade tree, two and one-inch caliper (measured six inches above root ball) at time of planting. At maturity, a shade tree has a height and/or spread of thirty feet or greater. If two and one-inch caliper trees are not available due to seasonal shortages or shortages in desired varieties, the Development Services Director or their designee may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees.
- b. Ornamental tree, one and one-half inch caliper (measured six inches above root ball) at time of planting. At maturity, an ornamental tree has a spread and height between fifteen feet and thirty feet.
- c. Evergreen tree, six feet tall at time of planting.
- d. Deciduous shrub, five-gallon container.
- e. Evergreen shrub, five-gallon container.

- f. Perennials and ground covers, one-gallon container.
  - g. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.
- 2. Irrigation. All vegetation and landscaped areas must be provided with a permanent irrigation system.
  - a. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property.
  - b. Native grasses must have a permanent irrigation source that is zoned separately from high water demand landscapes. Once the grasses are established, irrigation to native grass areas can be reduced to a level that maintains coverage typical of the grass mix and to suppress weed growth.
- 3. Preservation of significant landscape features. Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the planning department and/or the planning commission as part of the development review process. To the extent the planning department and/or planning commission deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the planning department and/or planning commission. No person shall kill or damage a landscape feature required to be preserved by this section.
  - a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
  - b. All protection measures shall be clearly identified on the construction and landscape plans.
  - c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.
- 4. Protection of landscape areas. All landscape areas shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions.
- 5. Utility lines. If the location of utilities conflict with the landscaping provisions, the planning department may approve an equivalent alternative.
  - a. Utility plans must be submitted with landscape plans.

- b. Trees which will grow to a height of greater than fifteen feet at maturity shall not be planted under electrical lines.
  - c. Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement.
- 6. Sight distance. The owner shall maintain all vegetation, fences, walls and berms so that there is no sight distance hazard nor road or pedestrian hazard.
- 7. Trees.
  - a. Trees should not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape area and between parking bays, helps eliminate this conflict and should be considered.
  - b. Tree canopies may overlap by up to twenty percent of the diameter of the tree at maturity. Tree clustering may be allowed with some species so long as clustering does not adversely affect the mature canopy.
  - c. At planting, tree trunks must be reasonably straight with minimal doglegs.
  - d. Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
  - e. The minimum square footage of planting area for a shade tree is one hundred forty square feet. The planning commission may vary the minimum square footage.
- 8. Maintenance and restoration. The owners, tenants and occupants for all proposed new and existing uses in the city must:
- 9. Maintain landscaping in a healthy, growing, neat and well maintained condition.
  - a. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding and other reasonable efforts.
  - b. Any plant that dies must be replaced with an equivalent live plant within ninety days of notification or, if during the winter, by the next April 1.
  - c. On their own or based on a citizen complaint, any member of the planning department or zone enforcement officer may, without notice and without a warrant, walk on the landscaped portion of the property from time to time to inspect the condition of landscaping.

## Section 14.17.040 Parking lots—Design standards

1. Interior landscaping requirement. Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. (See Development Services Design Standards for further information.) The interior of all parking lots shall be landscaped as follows:
  - a. One landscaped island, parallel to parking spaces, is required for each twenty linear parking spaces. In lieu of the standard landscape island, one "orchard style" landscape island may be used for every six linear parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands.
  - b. Landscape islands must be at least one hundred forty square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet, measured from back of curb to back of curb.
  - c. Orchard style landscape islands shall be six feet by six feet square minimum.
  - d. One landscaped divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
  - e. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
  - f. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
  - g. Landscaping of the interior of a parking lot shall include a combination of any trees, shrubs, grasses, perennials, annuals, and landscape boulders.
2. Pedestrian crossing areas in parking lots shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials as may be approved by the city engineer which form a smooth surface but contrast with asphalt.

Parking lot perimeter. Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area. (See Standard Plan PL 4)

- a. The minimum dimension allowed for the parking lot perimeter landscape strip is six feet unless adjacent to a public right-of-way where the minimum of the building(s) setback shall be required.
- b. Landscaping along the perimeter of parking lots shall include a combination of any trees, shrubs, grasses, perennials, annuals and landscape boulders.
- c. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.

#### Section 14.17.050 Dumpster enclosures—Design standards

The design of each dumpster enclosure shall conform to the design standards for dumpster enclosures as set forth in the American Fork Development Services Design Standards.

#### Section 14.17.060 Street frontage landscape

1. Street frontages. Within all zones (with the exception of lots zoned for one or two family dwellings and the CC and DC zones), if a building is set back more than 15 feet from the public right-of-way, the owner shall provide and maintain a minimum 10 foot-wide street frontage landscape adjacent to the public right-of-way unless the maximum set back is less.
2. A minimum of seventy-five percent of the street frontage landscape shall be covered by plant material at maturity.
3. Landscaping within the street frontage shall include a combination of any trees, shrubs, grasses, perennials, annuals, and landscape boulders. Street trees shall be provided in the street frontage landscape, including one tree for every forty feet of street frontage. Clustering is allowed provided that it does not adversely affect the mature canopy.

#### Section 14.17.070 Residential subdivision perimeter enclosures

1. Intent. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare: screen negative impacts of adjoining land uses, including streets, protect privacy, maintain a consistent or complementary appearance with enclosures in the vicinity, maintain consistent appearance of the subdivision.
2. Required perimeter enclosures. Perimeter enclosures shall be required around all residential subdivisions. The development review committee may require a perimeter enclosure as a condition of the final approval of non-residential subdivisions if:
  - a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.

- b. A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.
  - c. A perimeter enclosure is necessary to control ingress and egress for the development.
  - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
  - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
3. Specifications. Unless specified otherwise at the time of final approval: a perimeter enclosure includes fences (excluding chain-link), walls or berms, and combinations thereof.
- a. The height shall be six feet; however, an enclosure constructed on a berm shall not extend more than eight feet above the adjoining sidewalk or crown of road, whichever is lower.
  - b. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this code.
  - c. A perimeter wall must have a column or other significant architectural feature every thirty feet.
4. Landscape buffer corridors. The following corridors are major points of entry into the city and as such, should include enhanced landscape treatment in order to provide a "sense of arrival" into American Fork. These corridors shall contain a five-foot-wide landscape buffer area between the perimeter enclosure and right-of-way.
- a. 900 West, east side of 900 West from 1120 North to 700 North.
  - b. Mt. Timpanogos Boulevard, both sides from 1300 North to 700 North.
  - c. 100 West, both sides from approximately 700 South to the Boat Harbor.
  - d. 570 West, both sides from 330 South to Shoreline Protection Area.
  - e. Vineyard Connector, both sides of future alignment along residential development. The landscape buffer area shall remain part of the adjacent lot, if part of a standard subdivision, and maintenance shall be provided by the city, through a special assessment district, or, if part of a planned unit development (PUD), the buffer area shall be located in a separate tract owned and maintained by a home owner's association. Standard Plan PL 6. illustrates this buffer area. In the landscape buffer, one tree per forty linear feet of perimeter must be provided. Clustering is allowed provided it does not adversely affect the mature canopy.



5. Construction of perimeter enclosures. The perimeter enclosure and any required landscape buffer area shall be installed by the developer.

#### Section 14.17.080 PI-1 zone landscape—Design standards

1. Parking lot interior landscape. Landscaping for the parking lot interior shall be per Section 17.5.121.G.1., with the following additions:
  - a. Shade trees are to be provided at a rate of one shade tree for every six parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
  - b. A minimum of one shrub shall be provided for every twenty-five square feet of each landscape island.
2. Parking lot perimeter landscape. Landscaping for the parking lot perimeter shall be per Section 17.5.121.G.2. with the following addition:
  - a. Turf may be allowed for up to fifty percent of the parking lot perimeter, at the director's discretion. Low water usage turf is encouraged.
  - b. A minimum of seventy-five percent of the parking lot perimeter landscape shall be covered by plant material at maturity.
3. Street frontage landscape. Landscaping for the street frontage shall be per Section 17.5.121.I. with the following additions:
  - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches in height at maturity.
  - b. One tree for every forty linear feet of street frontage (excluding curb cuts) must be provided, eighty percent of which must be shade trees.
4. Side yard landscape. The first fifty feet of side yard (beginning at the front property line) shall be landscaped.
5. Maintenance. Each owner or the owner's association shall maintain all landscaping.

#### Section 14.17.090 I-1 zone landscape - Design Standards

1. Street frontage landscape (including perimeter of parking lot along street frontage). Landscaping for the street frontage shall be per Section 17.5.121.I. with the following additions:
  - a. Vegetation in the site triangle in the street frontage must not exceed thirty inches in height at maturity.

- b. One tree for every forty linear feet of street frontage (excluding curb cuts) must be provided, eighty percent of which must be shade trees.
- 2. Maintenance. Each owner or the owner's association shall maintain all landscaping.
- 3. Side yard landscape. The first fifty feet of side yard (beginning at the front property line) shall be landscaped unless otherwise approved by the planning department based upon the project's proximity to non-industrial uses and the reasonableness of the request. In the event the planning department approves a variation to the side yard landscape, fencing and/or other forms of screening, approved by the planning department, shall be required to shield neighboring properties from the industrial use on the property.

#### Section 14.17.100 Water Conservation and Efficiency Standards

- 1. Purpose, Applicability and Definitions.
  - a. Purpose. The purpose of these water efficiency standards is to conserve the public's water resources by establishing water conservation standards and recommendations for outdoor landscaping and indoor plumbing fixtures.
  - b. Applicability.
    - i. The following standards are required for all new developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable.
    - ii. All new landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards shall comply with the landscaping standards in this Chapter. These standards shall also apply to existing ordinances related to City required landscaping.
    - iii. The outdoor landscaping standards in this Chapter are not intended to conflict with other landscaping requirements as defined by Utah law, including storm water retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.
- 2. Definitions. The following definitions shall apply to this Section:
  - a. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, playgrounds, and seating areas for leisure or breaks.
  - b. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

- c. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that allows efficient watering.
- d. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.
- e. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.
- f. Lawn: Ground that is irrigated and covered with grass that is designed to be regularly mowed.
- g. Localscapes: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).
- h. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.
- i. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.
- j. Paths: Designed routes between landscape areas and features.
- k. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
- l. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. For single-family residential, this only includes the front and side-yard areas. The landscape area does not include footprints of buildings or structures, sidewalks along the street (but does include internal walking paths), driveways, and other non-irrigated areas intentionally left undeveloped.

### 3. Landscaping Requirements

- a. Lawn shall not be less than 8 feet wide at its narrowest point.
- b. Lawn shall not be installed in park strips, parking lot islands, or on slopes greater than 25% or 4:1 (4' horizontal to 1' vertical) grade. However, park strips shall conform to all street tree planting requirements including proper irrigation. If existing lawn is being removed from park strips to conform to these requirements, all existing street trees compliant with the municipal code and associated irrigation systems shall remain.
- c. For single-family residential landscapes, lawn shall not exceed 35% of the Total Landscaped Area (as defined in this Chapter).

- i. Small residential lots, which the total landscaped area is less than 250 square feet, are exempt from the 8 feet width requirement and the maximum of 35% lawn requirement.
    - ii. Corner lots that are 8,000 square feet or less are exempt from the maximum of 35% lawn requirement for the side yard area adjacent to the street.
  - d. For institutional (churches, schools, etc.) and multi-family landscapes and common areas, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).
  - e. For commercial and industrial landscapes, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).
4. Prohibition On Restrictive Covenant On Grass Requirement
- a. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable to the degree that they:
    - i. Require the use of grass in landscape areas less than 8 feet wide or require grass in other areas that exceed 35% of the landscaped area; or
    - ii. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
    - iii. Have the effect of prohibiting or restricting compliance with this Chapter or other water conservation measures.
5. Additional Recommendations. American Fork City encourages all individuals and entities to comply with the recommendations of the Central Utah Water Conservancy District.
6. Penalty And Violation
- a. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
  - b. In addition to any criminal penalties that may be imposed, the City may pursue civil penalties and restitution for actual damages.

## CHAPTER 14.18 SUPPLEMENTARY DEVELOPMENT STANDARDS

### Section 14.18.010 Purpose

The regulations in this Chapter are intended to supplement the regulations applying to the zones established by this Title. This section provides for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this section shall be in addition to development standards contained within the various zones. Where the provisions of this section may be in conflict with other provisions of this code, the more stringent shall prevail.

### Section 14.18.020 Establishment of Uses Not Specified

When a use is not specifically contained in the list of permitted or conditional uses in any commercial or industrial zone, but is of the same character or intensity as other uses listed, the Planning Commission may allow the establishment of that use, upon request, if the Planning Commission makes the following findings:

1. That the establishment of the use will be in accordance with the purposes of the district on which that use is proposed;
2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district;
3. That the use will not be detrimental to the public health, safety, or welfare;
4. That the use shall not adversely effect the character of that district in which it is proposed to be established;
5. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectional influence that the amount normally created by any of the uses listed as permitted uses in that district;
6. That the use will not create any greater hazard of fire or explosion that the hazard normally created by any of the uses listed as permitted uses in that district.

### Section 14.18.030 Clarification of Ambiguity

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or with respect to matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein, and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

#### Section 14.18.040 Utility Lines to be Underground

1. Except as set forth herein, all utility lines, including telecommunications lines, installed within American Fork City after the effective date hereof shall be installed underground.
2. Notwithstanding the provisions of subsection 1, utility lines installed after the effective date hereof may be installed overhead where:
  - a. The utilities are 12,470 volts or higher;
  - b. The underground installation of lines is currently not feasible due to the state of available technology or equipment; or
  - c. The underground installation of lines would impair the ability of the public utility to provide safe, reliable, and adequate service to its customers.

#### Section 14.18.050 Recreational Vehicles and Mobile Homes Prohibited; Exceptions

It shall be unlawful to place any recreation vehicle on any lot or parcel of land in the area covered by the zoning map and to use the same for human habitation, except as set forth herein:

1. When located on the same lot as a dwelling for a period of not more than fifteen days in any one calendar year;
2. When located in a licensed mobile home park or in a vacation vehicle court; or
3. When placed on a lot on which a main building is being constructed subject to the following:
  - a. The mobile home or recreation vehicle will be connected to the city's water and sewer system.
  - b. Assurances will be given to the city in the form of a bond, mortgage, or other consideration in the amount of three hundred dollars as a guarantee that the mobile home will be removed from the premises upon completion of the main building, but no later than one year from the date of the issuance of the permit for the main building.
  - c. A recreation vehicle must disconnect from the city's water and sewer system upon completion of the main building. Use of the recreation vehicle for human habitation shall be prohibited except as otherwise allowed for temporary sleeping quarters, for a period of not more than fifteen days in any one calendar year.

#### Section 14.18.060 Clear Vision Area - Corner Lots

In all zones which require a front yard, no structure in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line

connecting them at points twenty-five (25) feet from the intersection of the street lines, with the following exceptions:

1. Street trees and other landscaping are permitted as long as they are pruned and trimmed so as to not obstruct a clear view by motor vehicle drivers, as determined by the City Engineer.
2. City wayfinding, lighting and traffic control signals approved by the City.

#### Section 14.18.070 Minimum Lot Areas to be Preserved

1. Except as provided in this Title, all required yards shall be situated on the same lot as the building or structure to which it applies. No required yard, area, or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this code shall be considered as providing the required area, yard, setback or open space for any other building or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or open space requirement of a building or use.
2. No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of this chapter.
3. No required yard or open space provided around any building for the purpose of complying with provisions of this Title shall be used or considered as a yard or open space for any other building.

#### Section 14.18.080 Front Yard Modification - Developed Areas

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard requirement for new construction may be equal to the average of the front yards existing on said developed lots; provided, however, this regulation shall not be interpreted to require a front yard more restrictive than the underlying zone as measured along said block face, fronting on one (1) side of the street.

#### Section 14.18.090 Flag Lots

In order to encourage the efficient use of land and to increase the housing stock in American Fork, flag lots are permitted subject to the following requirements:

1. The flag lot is located in a RA or R-1 zone.
2. The applicant provides written and illustrative evidence showing property development with and without the proposed flag lot which demonstrates:
  - a. the flag lot will result in more efficient use of land;

- b. the design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;
  - c. no other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
    - i. the current, proposed, or alternative zoning;
    - ii. the possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
    - iii. alternative street designs and improvements; and
    - iv. any other reasonable means that would render a flag lot unnecessary; and
    - v. the flag lot is infill to the development of the general area.
3. Flag lots must meet the following minimum design standards:
- a. the flag lot must have at least thirty (30) feet of frontage on a dedicated public street which frontage serves as access to the subject lot;
  - b. the flag pole portion of the lot may not be more than one hundred (100) feet long unless there is a turnaround for a fire apparatus;
  - c. a home may not be located more than one hundred fifty (150) feet from the street unless it is equipped with a fire suppression system;
  - d. the flag portion or body of the lot meets the lot area, width, and depth requirements of the applicable zone;
  - e. the minimum square footage of the flag portion or body of the lot is the same as required in the applicable zone;
  - f. front, rear, and side yard setback requirements of the flag portion or body of the lot is the same as required in the applicable zone;
  - g. no accessory building is located on the flag pole portion of the lot except aesthetic entry features such as archways, decorative mail boxes, raised landscape beds or similar structures; and
  - h. a hard surfaced driveway at twenty-six (26) feet wide must extend from the street to the required parking and fire turnaround area(s).
  - i. Staff, prior to approving a flag lot as part of a preliminary or final subdivision plat, finds that the applicant has provided sufficient evidence allowing for the



creation of the flag lot and that such lot meets the minimum design standards set forth in this Section.

4. In addition to the above minimum requirements, staff may, as part of a preliminary or final subdivision plat approval, impose additional conditions on flag lots including, but not limited to, the following:
  - a. fencing and screening requirements;
  - b. location and height of the dwelling;
  - c. installation of one (1) or more fire hydrants; and
  - d. additional off-street parking and/or backup space.

#### Section 14.18.100 Setbacks from Proposed Streets

The front or side setback for structures abutting on a proposed future street or an existing street needing to be widened, as shown on the major street plan as a future street, shall be measured from the planned street line. For purposes of determining the setback requirement and similar locational standards, said planned street line shall be considered as the property line.

#### Section 14.18.110 Sale or Lease of Required Space

No space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this code for a lot or building may be sold, bequeathed, or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot that does not comply with all of the provisions of this code.

#### Section 14.18.120 Frontage Requirement and Double Frontage Lots

1. Each lot in the subdivision shall abut upon a street dedicated to public use by the subdivision plat or an existing dedicated street or a street which has become public by right of use and is more than fifty feet wide.
2. Interior lots having frontage on two streets (double frontage lots) shall be prohibited except where topographic conditions make such designs appropriate.

#### Section 14.18.130 Storage of Commercial Vehicles - Residential Zone

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of one and one-half (1 ½) tons shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earthmoving equipment be stored or parked on any lot or parcel in a residential zone.

## Section 14.18.140 Effect of Transportation Master Plan on Setbacks

Whenever front or side yard is required for buildings abutting on a proposed street which has not been dedicated or constructed, but which has been designated by the City Council as a future street on the official map, the depth of such front or side yards shall be measured from the nearest line of the planned street.

## Section 14.18.150 Swimming Pools

Swimming pools, as defined by the International Swimming Pool and Spa Code, including all structures, footings and appurtenances of the swimming pool, shall not infringe on any utility easement and shall be set back at least five (5) feet from all property lines. All swimming pools shall have access gates and a fence, barrier, or a safety cover according to the provisions of the International Swimming Pool and Spa Code.

## Section 14.18.160 Single-Family Residential Design Standards and Guidelines

## Section 14.18.170 Residential and Mixed-Use Design Standards

## Section 14.18.180 Downtown Development Design Standards

## Section 14.18.190 Transitional Development Standards for Uses Abutting Residential Zones

## Section 14.18.200 Two-family and Multifamily Amenities

## Section 14.18.210 Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards

## Section 14.18.220 Portable Storage Containers

## Section 14.18.240 Address Number Display

1. Purpose. It is the purpose of this Section to protect the public health, safety, and welfare by requiring buildings and premises to display adequate and appropriate numbers to aid emergency services personnel and mail delivery. This Section imposes regulatory standards on certain parties who own property within American Fork City. Except where the context or specific provisions require, this Section does not supersede or nullify any other related ordinances, including, but not limited to, those codified in this title.
2. Requirements and Duties. It shall be the duty of each owner of a building, dwelling, or premises, to display the street number of the building in a conspicuous place, in such a way as to be clearly visible from the street. It is unlawful to cover, conceal, or allow the numbers to be obstructed from plain sight. The numerals shall be no less than three inches in height and shall be in contrast to the immediate background color on which they

are mounted. ceptions. This chapter does not apply to farm structures or buildings, accessory buildings, or unoccupied lots.

3. Non-Conforming Properties - Time For Completion. Those buildings and premises not in compliance with this chapter at the time of the adoption of this chapter shall be brought into full compliance at the initiative of the property owner or within thirty days of the effective date of this code.
4. Penalty. Any party failing to comply with this chapter shall be guilty of a Class C misdemeanor.

#### Section 14.18.250 Naming of Public Parks and Buildings

1. Purpose. It is the purpose of this section to establish procedural standards to follow when re-naming public parks or buildings.
2. Application. An interested party may submit an application to name or rename a public park and/or building to the Mayor or his/her designee. Said application shall include, at minimum, the following:
  - a. The name and contact information of the interested party;
  - b. The address of the building or park which is the subject of the proposal and a map precisely identifying the area involved;
  - c. The proposed name for the building or park;
  - d. An explanation of how the name was chosen; and
  - e. A statement as to why it is in the public's interest to name the building or park with the given name.
  - f. If the proposed name is that of a living person, that person must give their consent. When the proposed name is that of a person who has been deceased less than twenty-five years, notice shall be given to the known descendants or family representative.
3. Naming Authority. The city council shall retain the authority to name, rename, or unname public parks or buildings as it may determine appropriate in the interests of the public's welfare.
  - a. In the event a gift is offered to the city on condition that a public park or building be named after a specified person or otherwise be given a specific name, the city council shall have the sole authority to determine whether to accept or reject the gift.

4. Public Hearing. Prior to the renaming or unaming of a public park or building, the City Council shall hold a public hearing on the proposed change.
5. Approval. Any time after the public hearing, the council may render a final decision on the renaming or unaming of a public park or building.

#### Section 14.18.260 Renaming of Streets

1. Purpose. It is the purpose of this section to establish procedural standards to follow when renaming public streets.
2. Application. An interested party may submit an application to name or rename a public street to the Mayor or his/her designee. Said application shall include, at minimum, the following:
  - a. The name and contact information of the interested party;
  - b. The current name of the public streets which is the subject of the proposal and a map precisely identifying the area involved;
  - c. The proposed name for the public street;
  - d. An explanation of how the name was chosen;
  - e. A statement as to why it is in the public's interest to name the public street with the given name; and
  - f. If the proposed name is that of a living person, that person must give their consent. When the proposed name is that of a person who has been deceased less than twenty-five years, notice shall be given to the known descendants or family representative.
1. Public Hearing. Prior to any provisional approval of the re-naming of a street the city council shall hold a public hearing on the proposed name change.
2. Provisional Change. After presentation of the request and consideration of the city council, the city council may provisionally approve the proposed re-naming of a street.
3. Notice. Upon provisional approval, the proposed name change shall be noticed on the city's website for at least two weeks and posted in at least three public locations throughout the city.
4. Final Approval. Any time after the two-week notice period, the council may render a final decision on the renaming of a street at its council meeting.

#### Section 14.18.270 Storage of Junk and Debris

No yard or other open space shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

## Section 14.18.280 Fences, Walls and Hedges

1. Intent. It is the intent of this section to establish minimum standards for the placement, height and opacity of fences in residential zones for the purpose of facilitating safety of pedestrians and motor vehicle users in connection with ingress and egress to private property, driveways and parking areas
2. Fence placement and height.
  - a. Fences having a height no greater than forty-two inches may be constructed and maintained in any portion of a residential lot, provided that where all portions of the fence fabric higher than forty-two inches are to be of the chain link or other open mesh type, (not greater than forty percent opacity) and will remain non sight obscuring, the maximum height may be increased to not greater than forty-eight inches.
  - b. Fences having a height of not greater than six feet (tall fence) may be constructed and maintained in any portion of the tall fence enclosure area of a residential lot, as defined in **Standard Plan PL 3**. The height of a fence shall be measured from the grade upon which it is to be placed. Said fences may be open mesh or sight obscuring.
3. Fence permit required—Building inspector to approve. Before commencing construction of any fence or wall having a height greater than forty-eight inches a plan showing the proposed placement and design of the fence shall be submitted by the lot owner, or his or her agent, to the building division. If found to comply with the terms of this section, the building division shall issue a permit for the construction of the fence.
4. Appeal. Any applicant aggrieved by a decision of the building division may appeal said decision to the board of adjustments, which shall have the authority to reverse, affirm or modify any decision of the building division.
5. Variance. In the case of a unique or unusual shaped parcel (i.e. triple-frontage lots), or a parcel on which a home's placement makes it difficult to differentiate between the front and rear of the home; and, whereby it is impractical to adhere to the provisions of this section in a literal manner, as determined by the chief building inspector, an application shall be presented to the board of adjustments for review and determination of fence placement. Upon review, and with the recommendation of the chief building official, the board of adjustments shall have the authority to make the determination of fence placement.
6. Exceptions to height requirements. Fences, walls and similar structures exceeding six feet in height may be permitted under the following circumstances and conditions.
  - a. The fence, wall or similar structure is not within a sight triangle.

- b. Increased height is required by other government regulation. Where the additional height is required by law or other governmental regulation.
  - c. Increased height is required for increased safety and security. Where additional height is needed to provide more adequate security for one of the following:
    - i. Utility facility compound area (i.e., gas regulating stations, electric substations, well sites, etc.), subject to receipt of a building permit.
    - ii. Swimming pools and open water impoundment areas, subject to receipt of a building permit.
    - iii. Vehicle impoundment yards, self-service storage facilities (mini-warehouses) and materials and equipment storage compounds (limited to commercial and industrial zones), subject to the prior approval of a site plan.
  - d. Containment barriers for tennis courts, sport courts, batting cages, etc. Permanent fence type containment barriers for uses such as tennis courts, sport courts, ball diamond backstops, batting cages etc. may be erected to a height not greater than **eighteen feet provided**:
    - i. Such containment barrier does not constitute a part of a fence enclosing property.
    - ii. All portions of the enclosure shall be located within the rear yard area of the lot.
    - iii. The containment barrier shall be set back from the property line of the lot to which it is appurtenant for a distance of not less than ten feet and will not occupy any portion of a public utility easement.
    - iv. No portion of the containment barrier shall be located closer than 12 feet to the main building to which it is appurtenant.
    - v. The fabric used for the containment barrier shall be of an open mesh type not exceeding 15 percent opacity.
7. Double-frontage lots. On lots which qualify as double-frontage lots, a tall fence may be used to enclose the rear yard area of the lot, subject to the following:
- a. The fence shall not exceed six feet in height; and
  - b. Placement of the fence shall be in accordance with the following:
    - i. In the location shown on the approved subdivision or development plan, or in the instance that no location is shown on the approved plan, at the property line.
    - ii. The sidewalk adjacent to the rear fence shall be not less than five feet in width and conform with the clear vision criteria for corner lots (see Standard Plan PL 3).
    - iii. Placement of the fence in the location proposed shall not result in the establishment of a hazardous condition to the public or adjacent

properties, as determined by the building official or his designated representative.

8. The fence may include gates providing incidental access from the adjacent sidewalk, provided:
  - a. The gate is not intended as a primary access to the dwelling and is designed to swing inward or slide parallel to the alignment of the fence.
  - b. Any gate intended to be used for access by vehicles shall require construction of a curb cut or mountable curb and an increased thickness of sidewalk concrete in accordance with city standard for driveways.
9. General requirements.
  - a. Fence materials. All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.
  - b. Barbed wire fences prohibited. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any public street within a residential or commercial zone.

## CHAPTER 14.19 PARTICULAR USES

### Section 14.19.010 Short Term Rentals

1. Purpose. The City Council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the city in order to promote health, safety and general welfare of the residents of the city by establishing standards for short term rentals.
2. Definitions.
  - a. Bedroom means a room designated and used primarily for sleeping and rest on.
  - b. Owner means a natural person; or a business, corporation, or other group of persons who collectively own a dwelling; or a family trust created for the primary purpose of estate planning; who holds legal title to a rental dwelling.
  - c. Owner-Occupied means occupancy by a natural person who possesses fifty percent ownership or more in the dwelling and said dwelling is the primary residence of such person; or, where a family trust is created for the primary purpose of estate planning, occupancy by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

- d. Responsible Party means a natural person who has actual or delegated authority over Short Term Rental Property, such as an owner or landlord.
  - e. Short Term Rental means the rental, letting of rooms or subleasing/renting of any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.
  - f. Short Term Rental Property means any real property used, or to be used, for short term rentals purposes.
- 3. Business License; Room Tax. The operator must continuously maintain in force and effect a city business license under Chapter 5.42 for the short-term rental property and timely pay all taxes and fees relating to such business, including, without limitation, the city's transient room tax.
- 4. Minimum Duration. Renting, letting of rooms or subleasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than two consecutive overnights is prohibited in any zone in the city where residential use is a permitted or conditional use unless use of such structure as a hotel, motel, bed and breakfast or similar use has been specifically authorized as a permitted or conditional use of such parcel.
- 5. Owner Occupancy. No property within American Fork shall be rented under this Chapter unless the property is Owner-Occupied.
- 6. Bedrooms And Occupancy Limits.
  - a. A short-term rental property shall not contain more than 4 bedrooms used for the purpose of short-term rentals. Any excess bedrooms in a proposed short-term rental property not occupied by the owner must be converted to, and continuously used for, non-bedroom purposes for so long as such property is used for short-term rental purposes.
  - b. Occupancy in any short-term rental property shall not exceed the lesser of:
    - i. Two adults and two related children per room;
    - ii. Total occupancy of no more than 12 persons in the entire short-term rental property.
- 7. Management/Maintenance Standards
  - a. Short-term rental properties shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood.



- b. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling; provided, that in case of a storm between the hours of 5:00 p.m. and 7:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.
- c. The property must be kept free from accumulated garbage and refuse and trash cans shall not be left at the curb for any period in excess of twenty-four (24) hours.
- d. Each short term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, inter alia, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule or regulation pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise. An operator shall be deemed to have ensured compliance with applicable law if it:
  - i. Clearly advises its occupants and guests of such requirements before they take occupancy of the property;
  - ii. Promptly and appropriately responds to complaints concerning the behavior of its occupants and guests;
  - iii. Promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions during their period of occupancy of a short-term rental property; and
  - iv. Refuses to allow any persons who have engaged in or been party to persistent violations of applicable laws in their occupancy of a short-term rental property to occupy in the future any short-term rental property under such operator's ownership or control.
- e. Promptly, upon notification that the occupants or guests of a short-term rental property have violated this Chapter, the operator shall use its most diligent best efforts to prevent a recurrence of such conduct by those occupants or guests and all future occupants or guests. Such response shall occur within thirty minutes after receipt of notification.
- f. The Development Services Director or Business License official shall be authorized to prospectively impose additional reasonable conditions, applicable to

all short-term rental properties in the city, as necessary to achieve the intent and objectives of this chapter.

- g. A short-term rental property shall not have any signs visible from the exterior of the premises that advertise the use of the property as a short-term rental.
  - h. The use of a property in a residential neighborhood for short-term rental purposes shall not change the exterior appearance of the property so that it appears dissimilar from residential properties in the surrounding neighborhood.
- 8. Complaints. Operators shall respond to telephonic complaints within thirty minutes after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation of this Chapter and shall be grounds for imposition of the penalties specified in this Chapter.
- 9. Parking. Occupants or guests of any short-term rental property shall not park more vehicles at the short-term rental property than can be legally parked in the garage or permanent carport or on the driveway. Parking of occupant or guest vehicles on the public right-of-way adjoining the short-term rental property, or on areas of the property designated as yard or lawn, is prohibited.
- 10. Violations And Penalties. Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city as a Class "C" misdemeanor. In addition, any violation shall be grounds for revocation of any business license issued hereunder or under chapter 5.40. Each day that a violation occurs or continues is a separate violation.

#### 14.19.020 Residential Facilities for Disabled Persons or Elderly Persons

- 1. Residential facilities for persons with a disability shall be a conditional use in all residential zones and requires site plan approval by the Development Services Director or their designee. Upon application to the Development Services Department, the Director of Development Services or their designee, shall grant a permit for the establishment of a residential facility for disabled persons in a residential zone if the applicant meets the following requirements:
  - a. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
  - b. The facility is operated for the primary purpose of providing a living arrangement for disabled individuals in a group home setting.
  - c. The facility is occupied only by individuals with a disability and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the disabled

individuals and not primarily a benefit of employment to the staff member. The facility shall not house more than eight disabled individuals.

- d. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. A residential facility for disabled persons shall not include any persons referred by the Utah State Department of Corrections or any adult or juvenile court
- e. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans With Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this Chapter.
- f. The structure shall be capable of use as a residential facility for persons with a disability, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations to the structure or landscaping must be approved by the zone clearance officer and the building department, if necessary, before a permit is issued.
- g. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least sixty square feet per occupant in a multiple occupant bedroom and eighty square feet in a single occupant bedroom. Storage space shall not be counted. Live in staff shall have a separate living space with a private bathroom.
- h. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
- i. The facility shall provide a space to serve as an administrative office for records, secretarial work and bookkeeping.
- j. The facility shall meet the standard parking requirements for the zone in which it is located. However, a minimum of three off-street parking spaces shall be provided at the facility even if the standard parking requirements for the zone in which the facility is constructed would require fewer spaces for another use in that zone.
- k. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section.
- l. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.

- m. No residential facility for persons with disabilities shall be permitted in any zones that do not allow for residential use as a permitted or conditional use.
  - n. The facility shall comply with all applicable state and federal laws, included laws related to access.
2. Residential facilities for elderly persons shall be a conditional use in all residential zones and requires site plan approval by the Planning Commission. Upon application to the Development Services Department, the Development Review Committee shall make recommendation to the Planning Commission, who shall grant a permit for the establishment of a residential facility for elderly persons in a residential zone if the applicant meets the following requirements:
- a. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
  - b. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans With Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this Chapter.
  - c. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.
  - d. The facility is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons.
  - e. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.
  - f. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
  - g. The structure shall be capable of use as a residential facility for elderly persons, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations to the structure or landscaping must be approved by the zone clearance officer and the building department, if necessary, before a permit is issued.
  - h. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.

- i. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
  - j. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
  - k. The facility is occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
  - l. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least sixty square feet per occupant in a multiple occupant bedroom and eighty square feet in a single occupant bedroom. Storage space shall not be counted. Live in staff shall have a separate living space with a private bathroom.
  - m. The facility shall provide a space to serve as an administrative office for records, secretarial work and bookkeeping.
  - n. The facility shall meet the standard parking requirements for the zone in which it is located. However, a minimum of three off-street parking spaces shall be provided at the facility even if the standard parking requirements for the zone in which the facility is constructed would require fewer spaces for another use in that zone.
  - o. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section.
  - p. No residential facility for elderly persons shall be permitted in any zones that do not allow for residential use as a permitted or conditional use.
  - q. The facility shall comply with all applicable state and federal laws, including laws related to access.
3. An applicant who desires to request a reasonable accommodation from any of the requirements of this Section based on the Utah fair housing act, the fair housing amendments act of 1988 (42 USC section 3601 et seq.), and section 504 of the federal rehabilitation act of 1973 et seq., may make such a request to the Planning Commission. A request for reasonable accommodation shall be in writing and shall be delivered to the Development Services Department either in person or by certified U.S. mail. A request for reasonable accommodation shall include the following:
- a. The name, mailing address and phone number of the applicant;
  - b. The nature of the action for which reasonable accommodation is being sought;
  - c. The exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
  - d. The proposed reasonable accommodation;
  - e. A statement explaining why a reasonable accommodation is necessary;

- f. Provide evidence demonstrating the accommodation is reasonable and does not negate or negatively impact the purposes of this Section; and
  - g. The physical address of the property where the applicant requests the reasonable accommodation.
- 4. The planning commission shall hold a hearing no later than twenty-eight days following city's receipt of the applicant's request for reasonable accommodation. Any decision of the planning commission may be made in writing (which must be provided no later than ten days after the hearing) or may be announced in the public meeting.

#### Section 14.19.040 Sexually Oriented Businesses

- 1. Definitions. For the purposes of Chapter, the following words shall have the following meanings:
  - a. Adult bookstore or adult video store. A commercial establishment which:
    - i. Excludes minors from more than fifteen percent of the retail floor or shelf space of the premises; or
    - ii. As one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, DVDs, video cassettes, or video reproductions, slides, or other visual representations, the central theme of which depicts or describes “specific sexual activities” of “specified anatomical areas”; or instruments, devices or paraphernalia which are designated for use in connection with “specified sexual activities”, except for legitimate medically recognized contraceptives.
  - b. Adult business. An adult motion picture theater, adult theater, adult bookstore, adult video store, or telephone sex operation.
  - c. Adult motion picture theater. A commercial establishment which:
    - i. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
    - ii. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
  - d. Adult theater. A theater, concert hall, auditorium or similar commercial establishment which:

- i. Holds itself out as such a business; or
  - ii. Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or
  - iii. As its principal business, features persons who appear in live performances in a state of semi nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- e. Employ. Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer as an independent contractor, as an agent, or in any other form of employment relationship.
- f. Escort. Any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationships with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.
- g. Escort service. An individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.
- h. Escort service runner. Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contracting or meeting with escort services, escorts or patrons at any location within the city, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.
- i. Historical buildings or sites. Those buildings or sites found on either the national or state registers or the city register of cultural and historic resources.

- j. Nudity. A state of dress in which the female breast, below a point immediately above the top of the areola or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of seminude.
- k. Operator. The manager or other natural person principally in charge of a sexually oriented business.
- l. Outcall services. Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.
- m. Patron. Any person who contracts with or employs any escort services or escort, or the customer of any business licensed pursuant to this chapter.
- n. Pecuniary compensation. Any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.
- o. Person. Any person, unincorporated association, corporation, partnership or other legal entity.
- p. Seminude. A state of dress in which opaque clothing completely covers the human female breast below a point immediately above the top of the areola; and the male or female genitals, pubic region, buttocks and anus, are covered by fully opaque clothing no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.
- q. Seminude dancing agency. Any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this chapter for performance or appearance at a business licensed for adult theaters.
- r. Seminude entertainment business. A business, including an adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi nudity. A business shall also be presumed to be a seminude entertainment business if the business holds itself out as such a business.
- s. Sexually oriented business. Seminude entertainment businesses, sexually oriented outcall services, adult businesses and seminude dancing agencies, as defined by this chapter.
- t. Sexually oriented business employees. Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers,



escorts, models and other similar employees, whether or not hired as employees, agents or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

- u. Specified anatomical areas. The human male or female pubic area or anus with less than full opaque covering, or the human female breast below a point immediately above the top of the areola, papilla or nipple to the extent thereof with less than full opaque covering.
- v. Specified sexual activities:
  - i. Acts of:
    - 1. Masturbation;
    - 2. Human sexual intercourse;
    - 3. Sodomy;
    - 4. Fellatio;
    - 5. Cunnilingus;
    - 6. Bestiality;
    - 7. Pederasty;
    - 8. Buggery; or
    - 9. Any anal copulation between a human male and another human male, human female or beast;
    - 10. Manipulating, caressing or fondling by any person of:
      - a. The genitals of a human;
      - b. The pubic area of a human;
      - c. The uncovered female nipple and areola;
    - 11. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or in the condition of being fettered,

bound or otherwise physically restrained on the part of the one so clothed.

12. The actual or simulated display of human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

w. Telephone sex operation. One or more persons who receives compensation for engaging in sexually explicit dialog via telephone with another person or persons.

2. Permitted zones. Sexually oriented businesses shall only be permitted in areas zoned I-1, Industrial.
3. Restrictions.
  - a. Sexually oriented businesses shall not be located within one mile (five thousand two hundred eighty feet) of the same type of business inside or outside the American Fork City geographical boundaries. This distance shall be measured from the exterior walls of the buildings, point to point.
  - b. Sexually oriented businesses shall be limited to one business per twelve thousand in population, to include all residents in American Fork City within the city's geographic boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.
  - c. Sexually oriented businesses shall not be located within one thousand feet of any school, church, or public park.
4. Business License. It is unlawful for any person to operate a sexually oriented business without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.
5. It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall services and a seminude dancing agency on the same premises. The categories of sexually oriented businesses are:
  - a. Outcall services;
  - b. Adult business;
  - c. Seminude entertainment business;
  - d. Seminude dancing agency.
6. Employee License. It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually

oriented business employee, unless that employee first obtains a sexually oriented business employee license.

7. Exemption. The provisions of this chapter shall not apply to any sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, or psychiatrist, nor shall it apply to any educator licensed by the state for activities in the classroom.
8. Alcohol Prohibited. It is unlawful for any sexually oriented business licensed pursuant to this section to allow the sale, storage, supply or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business.
9. Hours of Operation. No sexually oriented business will operate between the hours of 12:00 midnight and 6:00 a.m.
10. Violation. A violation of any provision in this section shall be subject to prosecution as a Class B misdemeanor, for each separate violation, with the corresponding statutory fines and penalties pursuant to Utah State Law.

#### Section 14.19.050 Automobile Repair.

1. Any automobile repair use which is subject to the conditional use process shall comply with the following:
  - a. All repair, painting, and body work activities, including storage of tools, vehicle parts, and supplies shall take place within an enclosed structure.
  - b. No more than twenty five percent (25%) of the lot used by the proposed business may be used for storage of vehicles, and all such vehicles shall be stored on the rear portion of the lot and be screened with a masonry wall at least six (6) feet in height.
  - c. No metal buildings shall be permitted.
  - d. Additional landscaping shall be provided in the front yard.
  - e. If any existing building must be converted to accommodate the proposed use, the exterior shall be upgraded to improve its appearance, which shall be compatible with and superior to the surrounding structures.
  - f. The standards described in Section 14.02.040, American Fork City Code.
2. Any automobile repair use which is located in a zone in which automobile repair is a conditional use shall comply with this Section as a part of any proposed expansion. This provision shall apply to automobile repair uses established before or after the date

automobile repair was made subject to the conditional use process in the applicable zone. The conditional use permit shall be obtained as part of the project plan approval process.

#### Section 14.19.070 Home Occupation

1. Intent. To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this Section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.
2. Application and approval required. Home occupations may be permitted by the zone clearance officer following receipt of an application and subject to the following conditions:
  - a. Home occupation is listed as a permitted use in the zone.
  - b. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
  - c. The home occupation does not involve the use of any yard space for storage or activities outside of the dwelling.
  - d. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
  - e. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ton rated capacity.
  - f. Signs are limited to one non flashing sign not larger in area than two square feet.
  - g. Not more than the equivalent of twenty-five percent of the ground floor area of the dwelling is devoted to the home occupation.
  - h. The home occupation shall have a valid American Fork City business license.
  - i. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the state health department or other public agency.
  - j. The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values as determined by the zone clearance officer.

- k. The nature of home occupation shall not require any modification of the residential structure to comply with the provisions of the building, mechanical, electric, plumbing or fire codes, nor be conducted at a level which will require the providing of off-street parking to accommodate the patrons thereof.
3. Conditions may be attached. In order to achieve the objectives of this code and to protect the health, safety and quality of life in the city the zone clearance officer may attach reasonable conditions to the granting of a home occupation consistent with the standards hereinabove stated.
4. Continuing obligation—Business license required. All home occupations shall be operated in compliance with the conditions hereinabove set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure to maintain or operate the home occupation in accordance therewith.
5. Termination of approval permitted—Procedure. The city may revoke the approval of the home occupation or refuse renewal of the business license upon a determination made by the city council, following notice and hearing on the matter, that the home occupation is not in compliance with the provisions of this section or the conditions attached at the time of approval. The zone clearance officer shall have a reasonable right of entry for the purpose of inspection of the premises to determine compliance with the provisions of this section.

#### Section 14.19.090 Liquor Stores

1. No liquor store or private club may be established within two hundred (200) feet of the nearest residential zone boundary line, measured in a straight line from the nearest entrance of the liquor outlet.
  - a. Liquor stores and private clubs shall locate on either collector or arterial streets as defined in the American Fork City General Plan.
  - b. Off-street parking shall be provided at the rate of one (1) space per one hundred (100) square feet of total floor space in the building for liquor stores.
2. A permit to maintain a liquor store as a conditional use must be approved directly by the Planning Commission.

#### Section 14.19.110 Car Wash

1. No car wash shall be permitted on a parcel of land less than twenty thousand (20,000) square feet in size.

2. Stacking lanes accommodating at least two (2) cars shall be provided on site per wash bay and stacking lanes for at least two (2) cars per vacuum bay shall be provided at full-service attendant washes.
3. Automatic drive-through wash bays shall be located as far from adjoining residences as possible, taking into account the overall design, layout, and predominant traffic patterns of the area.
4. Noise from vacuums, blowers, compressors, wash equipment, etc., shall not exceed day and night-time levels as set forth in \_\_\_\_\_.
5. All vacuum canisters shall be constructed of heavy gauge steel, be equipped with vacuum motor mufflers and plastic domes to reduce noise levels.
6. Area lighting of parking lots shall not be permitted when adjoining a residential property. No lighting shall be permitted to shine directly into any adjoining residential property. Lighting shall be permitted at the vacuum bays, in wash stalls, in the signage, and at vending machine windows. All building lighting shall be in the ceilings and eaves, and shall be screened by the cornices of the building so as not to shine directly into adjoining properties.
7. A minimum six (6) foot high decorative brick or block wall shall be constructed along the full length of any property line adjoining a residential dwelling, except that it shall be no higher than thirty-six (36) inches in the front yard setback. Such walls shall be capped, and block walls must be stuccoed or painted on both sides.
8. The Planning Commission shall see to it that the buildings are architecturally compatible with adjoining residential properties. Compatibility will be determined by use of predominant building materials, colors, roof shapes, and roof materials.
9. Street frontages shall be landscaped, except for driveways, in a manner consistent with the requirements of the zone and the streetscape of adjoining properties.
10. When located next to a residential zone, all but one (1) automatic and one (1) self-service bay shall be closed between the hours of 11:00 p.m. and 7:00 a.m. providing that the open operating bays have all pumping equipment inside the room and/or conform to the night-time noise levels as set forth in \_\_\_\_\_.

#### Section 14.19.120 Day Care Services

1. Family Group Day Care.
  - a. The provider is limited to twelve (12) children. The provider must reside in the residence where services are provided.
2. Child Day Care Centers.

- a. All Centers must comply with the International Building Code prior to occupancy and must receive a license from the State of Utah within sixty (60) days after approval by the City;
- b. A site plan shall be submitted identifying parking, vehicle circulation and drop off/pick up locations. The Development Services Director or designee shall ensure that the site plan meets these requirements; and
- c. Outdoor playground area shall have a six (6) foot fence around the perimeter.

#### Section 14.19.130 Veterinarian Services (Including Animal Hospital Services and Animal Kennels, Animal Boarding, Breeding, Training and Grooming (Excluding Large Animals))

1. Experimental or scientific research activities are prohibited;
2. No on-site disposal or burial of dead animals is permitted;
3. Each facility shall be located completely within an air-conditioned and soundproofed building; except for outdoor, on-leash (accompanied by an attendant) walking areas for not more than two (2) animals at a time;
4. Animal noise shall not be audible at the nearest property line;
5. Overnight boarding shall be limited to animals receiving treatment on the premises;
6. Services shall be limited to small animals only;
7. No services shall be permitted for poisonous or dangerous animals; and
8. Cremation services shall be:
  - a. Provided only as an accessory use;
  - b. Limited to animals treated at a veterinary clinic or animal hospital where the cremation services are provided; and
  - c. Contingent upon obtaining a permit from the Utah State Division of Air Quality.

#### Section 14.19.140 Recreation Vehicle Court

Recreations vehicles courts are a conditional use requiring approval of the planning commission subject to the following terms and conditions:

1. Recreation vehicle courts are listed as a conditional use in the zone.
2. The recreation vehicle court shall contain a total area of not less than two acres.
3. A plan showing the design of any proposed recreation vehicle court or any significant amendment to an existing recreation vehicle court shall be approved by the planning

commission. The layout of court and conditions of operation shall be in accordance with the following standards:

- a. Type of occupancy. A recreation vehicle court may provide one or a combination of the following occupancy types: (1) tent camper facilities, (2) overnight or short term occupancy areas (less than thirty days), and (3) longer term occupancy areas; provided, that not more than sixty percent of the total court area shall be developed or used for longer term occupancy. The areas provided for each occupancy type shall be clearly defined on the site plan, and each area shall conform to the applicable design and operational requirements for each type. Short term occupants may be placed in areas designated for longer term. However, long term occupancy of areas designated as short term shall not be permitted.
- b. Standards and criteria—General.
  - i. All open areas except driveways, parking areas, and utility areas shall be landscaped in accordance with a detailed landscape plan to be approved concurrently with the approval of the site plan.
  - ii. The perimeter of the court, except for designated driveways and ingress and egress routes, shall be enclosed with a fence or wall at least six feet in height. Provided that in the instance of court boundaries which front upon a public street, the city may waive the requirement or reduce the required height of the fence or wall adjacent to the street where: (1) all recreation vehicle sites are to be set back not less than twenty feet from the street lot line, (2) the street setback area shall be landscaped and (3) the design of the court is such as to discourage direct access to the individual sites from the street and on-street parking of patrons or visitors of the park. Fences on individual sites shall not be permitted. Provided that the city may approve fences separating different occupancy type areas.
  - iii. Streets within the court shall be designed to provide safe and convenient traffic circulation and movement of recreation vehicles. Streets shall be not less than twenty-five feet wide and shall be hard-surfaced (asphalt or concrete). Parking shall not be allowed on court streets.
  - iv. Central recreation areas shall be established in each court. The recreation area shall contain not less than ten percent of the gross area of the court and shall be centrally located and accessible from all sites.
  - v. Each court shall have a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of a resident manager.
  - vi. Sanitation facilities including toilet, showers and lavatories shall be provided. Said facilities shall be conveniently accessible to all occupants of the court and in accordance with applicable state health standards.



- vii. Each court shall provide one or more laundry rooms. Laundry drying lines shall not be permitted on any recreation vehicle site.
- viii. Each recreation vehicle site within the court (not including designated tent camp areas) shall be served with water, sewer and electricity hookup facilities. All such facilities shall be conveniently located and readily accessible to the vehicle. Lengthy above ground extensions shall not be permitted. The owner of the court shall be responsible for compliance with the requirements of this paragraph.
- ix. All utility distribution facilities, including television antenna service lines serving individual sites shall be placed underground. Transformers, terminal boxes, pedestals, stand pipes and other necessary appurtenances to such underground facilities may be placed above ground.
- x. Propane (LP) fuel tanks shall be not larger than fifty gallons in capacity and shall be mounted and securely attached to the recreation vehicle which they serve. No recreation vehicle shall have more than two such attached tanks. Provided however, that larger tanks may be permitted in areas approved for longer term occupancy, subject to the terms set forth in paragraph 5. below.
- xi. Skirting or external insulation around the base of the recreation vehicle shall not be permitted except during the period from November 1 to April 1 of each year. All insulation shall be covered with skirting which is designed for the purpose and compatible with the surface of the recreation vehicle to which it is applied. The area under the recreation vehicle shall not be used for storage. There shall be no removal of axles, wheels or tires from the recreation vehicle.
- xii. There shall be no separate mail boxes, street address designations or similar accessories which would facilitate or give the appearance of a condition of permanent occupancy of a recreation vehicle site.
- xiii. The owners or manager of any recreation vehicle court shall provide a copy of the standards set forth in this section to all occupants who are tenants of the park for more than thirty days.
- xiv. The owner and manager shall be responsible to ensure that the tenants conform to the standards set forth herein.
- xv. Each park which permits self-contained recreation vehicles shall provide a sanitary dump station as part of the park facilities.
- xvi. Occupancy of the court shall be limited to tents (when provided for in the approved plan) and similar portable shelters and recreation vehicles conforming to the definition of recreation vehicles. Mobile homes shall not be permitted in a recreation vehicle court.

- xvii. A recreation vehicle court may provide a separate secured storage area for boats, utility trailers and similar vehicles.
  - xviii. No utility shed or similar outbuilding shall be placed on any recreation vehicle site.
  - xix. All dogs and other household pets shall be retained on the recreation vehicle site occupied by the owner/master. Any dog or other household pet not within the recreation vehicle shall be on a leash and under the control of the owner/master.
- c. Design criteria—Tent site area.
- i. A recreation vehicle court may contain an area for the placement and occupancy of tents and similar portable shelters. Any such tent camper area shall designate the maximum number of tent spaces provided.
  - ii. The area proposed for tent camper uses shall contain not less than three hundred square feet for each campsite unit and shall be covered with turf.
  - iii. Off-street parking area shall be provided for the tent camper area at the rate of one space for each tent space.
  - iv. The plan shall provide one or more water hydrants on the tent camp area which shall be readily accessible to all areas of the tent camp area.
  - v. The tent camp area shall be readily accessible to a sanitation facility which is designed, located and maintained in accordance with applicable state health standards.
- d. Design criteria—Short term occupancy area.
- i. Each recreation vehicle site shall abut upon a travel trailer street for a distance of not less than twenty feet. Each site shall be not less than twenty feet in width and sufficient in length to accommodate the recreation vehicle placed upon it, but not less than forty feet.
  - ii. Each recreation vehicle site shall contain one area designated for automobile parking. No portion of the vehicular access road shall be considered in meeting this off-street parking requirement.
  - iii. The water, sewer and electrical connections shall be installed and maintained in accordance with applicable regulations of the state departments of health or environmental quality (or their successor agencies), Utah plumbing code and the National Electric Code, as applicable.
- e. Design criteria—Longer term occupancy area.
- i. Each recreation vehicle site shall abut upon a travel trailer street for a distance of not less than twenty feet. Each site shall be not less than twenty feet in width, be sufficient in length to accommodate the recreation vehicle placed upon it, but not less than forty feet, and have a total area of not less than one thousand square feet.

- ii. Each recreation vehicle site shall contain one area designated for automobile parking. No portion of the vehicular access road shall be considered in meeting this off-street parking requirement. In addition to the above, the court shall provide one visitor or overflow parking space for each two sites designated for longer term occupancy.
- iii. The water, sewer and electrical connections shall be installed and maintained in accordance with applicable regulations of the state departments of health or environmental quality (or their successor agencies), Utah plumbing code and the National Electric Code, as applicable.
- iv. In those portions of the court designated and approved for longer term occupancy, each recreation vehicle site may also contain one propane fuel tank not larger than one hundred fifty gallons capacity which may be placed on the ground, provided: (1) the tank is provided and maintained by a commercial propane supplier and (2) any such tank shall be adequately protected from being struck by automobiles or similar hazard. The owner shall be responsible for insuring compliance with all conditions of this paragraph. An annual business license shall be required for the operation of the court and it shall be unlawful to operate a recreation vehicle court without a valid business license. Failure of the owner to operate the court in accordance with the terms of this paragraph or the conditions attached at the time of approval shall be grounds for termination of the license.

#### Section 14.19.150 Communications (4715 – Low-Power Radio Communication Towers and Antennas)

1. This Section addresses planning issues resulting from the rapid growth in demand for low-power radio services within the City. It distinguishes low-power radio from other broadcasting type telecommunication technologies and establishes provisions relating to demand, visual mitigation, noise, engineering, residential impact, health, safety and facility siting. The requirements of this Section apply both to commercial and private low power radio services such as cellular or PCS (Personal Communication System) communications and paging systems (hereinafter referred to as “cellular facilities”). All cellular facilities shall comply with the regulations set forth in this Section, other applicable ordinances of the City, and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.
2. Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed with a building permit as a permitted principal use in the \_\_\_\_\_ zones subject to the conditions set forth herein. Cellular facilities placed on a monopole

structure shall be allowed as a conditional use in the same zones subject to the provisions of this Section.

3. **Wall-Mounted Antennas.** A wall-mounted antenna is an antenna or series of individual antennas mounted against the vertical wall of a building. A wall-mounted antenna shall comply with the development standards set forth in Drawing PL 12C and the following:
  - a. Wall-mounted antennas shall not extend above the roof line of the building more than four (4) feet.
  - b. Antennas and all associated equipment shall be painted to match the color of the building.
  - c. Wall-mounted antennas may have a maximum area of forty (40) square feet, as determined by drawing straight lines between the outermost portions of the antenna until enclosed.
  - d. All equipment associated with the operation of the antenna shall be located within the structure to which the antenna is attached, or screened from public view.
  - e. If associated equipment is located on the ground, it shall be appropriately landscaped.
  - f. Whip antennas shall not be permitted.
4. **Roof-Mounted Antennas.** A roof-mounted antenna is an antenna or series of individual antennas mounted on a flat roof, mechanical room, or penthouse of a building. A roof-mounted antenna shall comply with the development standards set forth in Drawing PL 12C the following development standards:
  - a. A roof-mounted antenna shall be mounted only on structures with flat roofs and shall be screened, constructed, and/or colored to match the structure to which it is attached.
  - b. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
5. **Stealth Fixture Antennas.** A stealth fixture antenna is one (1) or more antennas attached to a supporting structure which is disguised as part of the structure or otherwise concealed from public view as much as reasonably possible.
  - a. A stealth antenna shall be subject to the following development standards:
    - i. A stealth fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flag pole, manmade tree, clock tower, steeple or a structure used primarily for another use so long as any

antenna located on the structure does not detract visually from the primary use.

- ii. When a stealth fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:
  1. The antenna shall not exceed the height of an existing pole by more than:
    - a. Ten (10) feet; or
    - b. Twenty (20) feet if, and only if, the antenna is not located closer to a residential zone boundary than two (2) times the height of the pole;
  2. If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Planning Commission specifically approves a different location as provided in a conditional use permit; and
  3. Any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or
  4. Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.
- iii. Each installation shall be approved by the applicable utility company, including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.
- iv. A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.
- v. The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided herein, a stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached are consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

- vi. A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.
  - vii. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.
  - viii. Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.
  - ix. Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.
  - b. If a stealth fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Section are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.
  - c. A building permit application for a stealth fixture antenna shall include the following:
    - i. A letter from the applicant stating that the applicant will conform to the requirements of this Section; and
    - ii. Verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.
  - d. If all the conditions set forth in this Section cannot be met, the requirements of this Section shall apply.
6. Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

- a. A monopole structure shall comply with the development standards set forth in Drawing PL 12A, PL 12B and following development standards:
  - i. All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.
  - ii. All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.
  - iii. No monopole structure shall be located:
    - 1. Closer to a residential zone boundary than two (2) times the height of the monopole; and
    - 2. Within a one-half (1/2) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.
    - 3. The Planning Commission may approve a location closer to a residential zone boundary than allowed in Subsection \_\_\_\_\_ of this Section if the location is at least one and one-quarter (1 1/4) times the height of the monopole from any residential boundary and one (1) or more of the following conditions are met:
      - a. The alternate location will reduce visual impacts on the adjacent residential property;
      - b. The height of the monopole is more consistent with buildings or structures in the alternate location; or
      - c. The alternate location provides easier or more convenient access for maintenance due to property slopes or other natural barriers.
  - iv. A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.
- b. If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection \_\_\_\_\_ are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

- c. An application for a monopole structure shall include the following:
    - i. A letter from the applicant stating that the applicant will permit antenna co-location, will conform to the requirements of Subsection \_\_\_\_\_ of this Section, and that the monopole structure is capable of supporting co-located antennas; and
    - ii. Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.
  - d. Notwithstanding Subsection (11)(b) of this Section, co-location on an existing monopole structure that meets the requirements of this Subsection (11)(f) shall be a permitted use and shall be handled with a building permit.
  - e. The exact location of the monopole on the site must be approved by the Planning Commission. If at any point during deliberation of the Planning Commission or following the decision of the Planning Commission there is a need to alter the location of the monopole, a new site plan and elevation drawings showing the proposed location must be brought back to the Planning Commission for review and approval. Prior to a rehearing by the Planning Commission, neighboring property owners within five hundred (500) feet will be given notice of the Planning Commission meeting.
7. Temporary Monopole Structures. A temporary monopole structure may be allowed for a maximum of sixty (60) days subject to the following requirements:
- a. A temporary monopole structure shall be located in a zone that allows for the placement of a monopole structure as a conditional use.
  - b. An application shall be filed with the Development Services Department for the placement of a permanent monopole structure prior to placement of a temporary monopole structure.
  - c. The placement of a temporary monopole structure shall meet the height requirement set forth in Subsection \_\_\_\_\_ of this Section.
  - d. A bond in the amount of five hundred dollars (\$500.00) shall be posted to guarantee removal of a temporary monopole structure when:
    - i. A permanent monopole structure is constructed; or
    - ii. Sixty (60) days have elapsed and a temporary monopole structure has not been removed. One (1) fifteen (15) day extension may be granted to the sixty (60) day period if an applicant can reasonably demonstrate a need for additional time to complete construction of the monopole structure.



## 8. Additional Requirements.

- a. Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.
- b. In addition to the conditional use standards set forth in Section \_\_\_\_\_, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:
  - i. That the proposed structure is compatible with the height and mass of existing buildings and utility structures;
  - ii. That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;
  - iii. That the antenna location blends with existing vegetation, topography and buildings;
  - iv. That location approval of monopoles will not create a detrimental impact to adjoining properties; and
  - v. That location of cellular facility will not interfere with existing transmission signals.

## CHAPTER 14.20 TEMPORARY AND SEASONAL USES

### Section 14.20.010 Purpose and Objectives

The following regulations are provided to accommodate those uses of land or buildings which are temporary and/or seasonal in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of American Fork. Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

### Section 14.20.020 Temporary Uses Allowed

1. Commercial Zones. The temporary and seasonal uses listed set forth in this Chapter are permitted on a temporary basis within all commercial zones, subject to compliance with the term of this Chapter and the approval of a business license.
2. Non-Commercial Zones. The temporary and seasonal uses set forth in this Chapter may be permitted in non- commercial zones upon a finding by the City Council that:

- a. the intended use is part of a community sponsored celebration event; and
- b. is located within a public building or park, with permission of the city.

#### Section 14.20.030 Permitted Temporary Uses

Temporary uses may include the following, which may not exceed ten days:

1. Auction establishments
2. Carnivals and circuses
3. Itinerant merchants
4. Movie productions
5. Outdoor music festival
6. Outdoor political rallies
7. Promotional displays and exhibits
8. Bazaars and boutiques
9. Other uses determined by the zone clearance officer to be similar in nature to those uses set forth herein.

#### Section 14.20.040 Permitted Seasonal Uses

Seasonal uses may include the following, subject to the length of time set forth herein:

1. Christmas tree lots: shall not exceed 45 days
2. Firework sales and stands: shall not exceed the length set forth under state law
3. Individual agricultural produce stands and open-air farmers market for the sale of agricultural produce: shall not exceed the length of the outdoor growing season or 120 days, whichever is shorter
4. Shaved ice and food stands: shall not exceed 120 days
5. Spook alleys: shall not exceed 45 days
6. Rock chip repair stands: shall not exceed 120 days
7. Other uses determined by the zone clearance officer to be similar in nature to those uses set forth herein.

## Section 14.20.050 Application for Temporary or Seasonal Use

1. Prior to the establishment of any temporary or seasonal use, an application for a temporary use permit and business license shall be submitted to and approved by the city zone clearance officer. said application shall contain the following information:
  - a. A description of the proposed use.
  - b. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
  - c. A copy of the lease agreement with the property owner/ manager of the parcel proposed for placement of the temporary/seasonal use ("host parcel") indicating the right of the applicant to occupy the site.
  - d. Sufficient information concerning the proposed use to determine the amount of space intended to be occupied, adequacy of setback from the street and primary use, availability of sanitary facilities for employees and patrons (where required), adequacy of parking and vehicular access (availability of adequate rest room facilities in reasonable proximity for employees in accordance with OSHA standards as stated in 29 CFR 1910.141).
  - e. A detailed site plan, showing the location of the stationary stand and any adjacent area to be occupied by the proposed use. Said plan shall be drawn to scale, including dimensions.

## Section 14.20.060 Findings Required for Approval

1. The zone clearance officer may approve a temporary or seasonal use application subject to the following criteria:
  - a. The proposed use is listed as a permitted temporary or seasonal use, or in the opinion of the zone clearance officer, is similar to the listed uses.
  - b. The temporary or seasonal use will be clearly incidental to the primary use and can be accommodated on the site without diminishing the available parking or impacting traffic safety.
  - c. The proposed temporary or seasonal use will not create excessive traffic hazards, disruption of the circulation pattern for the primary use, or other unsafe conditions in the area, and if traffic control is required, it will be provided at the expense of the applicant.
  - d. Each host parcel may contain only one temporary or seasonal use, except that the zone clearance officer may approve additional temporary or seasonal uses, subject

to a finding that the proposed host parcel has sufficient area, parking and circulation to safely accommodate additional use(s).

- e. The terms of the lease agreement provides for cleanup and restoration of the site to its original condition.
  - f. Signs will be limited to one temporary, accessory sign, not larger than twenty-four square feet, to be placed in the immediate vicinity of the temporary or seasonal use and outside the safe site distance triangle area (when located on a corner parcel or adjacent to a driveway).
  - g. Adequate solid waste disposal facilities shall be provided.
  - h. Adequate restroom facilities for the specific use are provided, if applicable
  - i. The required application and business license fee shall be paid.
2. In granting approval, the zone clearance officer may attach additional conditions deemed appropriate to ensure that the use will not pose any detriment to persons or property.

#### Section 14.20.070 Continuing Obligation

All temporary and seasonal uses shall be operated in accordance with the terms of this section and any conditions attached pursuant hereto. Upon approval by the zone clearance officer the applicant shall be eligible to acquire a temporary/seasonal use permit to operate. Issuance of the temporary/seasonal use permit shall be conditioned upon continued performance of the conditions of approval and may be refused or revoked upon failure to operate the use in accordance therewith.

#### Section 14.20.080 Appeal

Any applicant for a temporary or seasonal use aggrieved by a refusal to grant a temporary or seasonal use permit or any requirement imposed as a condition of approval may appeal the determination to the city council who shall have the authority to overturn said determination or requirement.

### CHAPTER 14.21 NONCONFORMITIES

#### Section 14.21.010 Purpose

#### Section 14.21.040 Nonconforming Uses and Structures

The owners of land and buildings shall not be deprived of the use of any property for the purpose that it was lawfully devoted at the time of the enactment of subsequent codes. Nonconforming buildings or structures or uses of land, including but not limited to the raising of livestock, may be continued to the same extent and character as that which legally existed on the effective day

of the applicable regulations. Repairs may also be made to a legal nonconforming building or to a building supporting a legal nonconforming use.

#### Section 14.21.050 Damage and Restoration of Noncomplying Structures

A nonconforming building or structure that is damaged or destroyed by fire, flood, or other calamity or act of nature may be restored, and the use of building or structure, or part thereof may be continued or resumed, provided that such restoration is started within a period of one year from the date of destruction and is diligently pursued to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming.

#### Section 14.21.090 Abandonment of Nonconforming Structure or Use.

1. A nonconforming building or structure or portion thereof or a lot occupied by a nonconforming use which is, or which hereafter becomes abandoned or which is discontinued for a continuous period of one year or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.
2. Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.

#### Section 14.21.110 Residential Structures

1. In all zones wherein one-family dwellings are listed as a permitted use, a one-family dwelling may be constructed on any lot or parcel of land, even though such lot or parcel does not comply with the area, width or depth requirements for one-family dwellings within the zone, subject to a determination by the Zone Clearance Officer that the lot complies with all of the following:
  - a. The lot or parcel qualifies as a nonconforming lot of record (existed as a separately described parcel on the records of the county recorder prior to the effective date of the ordinance) and the parcel does not constitute an illegal subdivision lot. Except that any nonconforming lot having a width of less than forty-five feet (as measured at the minimum front setback line) or a depth less than ninety feet shall require prior approval by the board of adjustment before issuance of a building permit;
  - b. One-family dwellings are listed as a permitted use in the present zone; and
  - c. All setbacks, height, access, building size, utility and special provision requirements of the existing zone and all applicable supplementary regulations can be met.
2. The authorization in this paragraph B. shall be applicable only in the instance of one-family dwellings. The board of adjustment shall not have the authority to approve a

dwelling having two or more dwelling units on a parcel which does not fully comply with the requirements applicable thereto.

#### Section 14.21.120 Division of Nonconforming Lots Containing Two or More Dwellings

1. In all zones wherein one-family dwellings are listed as a permitted use, an existing parcel containing two or more one-family dwelling structures may be subdivided into separate lots, which lots may or may not conform to the dimension and design requirements for lots within the zone, subject to all of the following:
  - a. A finding by the planning commission: (a) that the parcel proposed for subdivision qualifies as a nonconforming lot of record, (b) that each structure located on the lot was legally constructed in accordance with the zoning ordinance and building code in effect at the time of construction, and (c) each dwelling on the parcel qualifies as a one-family dwelling and is occupied by only one family.
  - b. A determination that each structure conforms with the setback requirements currently applicable in the zone or has been granted a variance therefrom by the board of adjustment.
  - c. A determination that each structure shall be served by separate water, sewer and other utility services.
  - d. A determination that each lot shall conform with the off-street parking requirements of the zone.
  - e. A determination that all public improvements required for subdivisions shall be in place or the construction thereof secured by an adequate performance guarantee.
  - f. A determination by the planning commission that each lot qualifies as a zoning lot.
2. For purposes of compliance with the terms of the development code, any lot established pursuant to the terms of this section shall, upon recording of a final plat at the office of the county recorder, be construed to be a nonconforming lot of record

### CHAPTER 14.22 SIGNS AND OUTDOOR ADVERTISING

#### Section 14.22.010 Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

## Section 14.22.020 Purpose & Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the city to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

1. Setting standards and providing uniform, scientifically-based controls that permit reasonable use of signs and preserve the character of the city.
2. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
3. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
4. Establishing a process for the review and approval of sign permit applications.

## Section 14.22.030 Definitions

Words and terms used in this Chapter shall have the meanings given in this Section.

1. Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.
2. Address Sign: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
3. Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.
4. Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.
5. Awning Sign: Any sign painted on, or applied to, an awning.
6. Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.
7. Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.
8. Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.
9. Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

10. Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.
11. Canopy Sign: Any sign that is part of, or attached to a canopy.
12. Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.
13. Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.
14. Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.
15. Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.
16. Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.
17. Festoon Lighting: A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.
18. Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.
19. Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.
20. Foot-candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot
21. Foot-lambert: A unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) foot-lambert is equal to one (1) lumen per square foot.
22. Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:



23. Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)
24. Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
25. Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements
26. Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.
27. Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.
28. Holiday Decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations)
29. Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.
30. External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
31. Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.
32. Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)
33. Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.
34. Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.
35. Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

36. Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.
37. Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.
38. Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.
39. Light Trespass: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
40. Limited Duration Sign: A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.
41. Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft<sup>2</sup>).
42. Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.
43. Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.
44. Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.
45. Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
46. Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.
47. Menu Sign: A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.
48. Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.
49. Message Sequencing: The spreading of one message across more than one sign structure.
50. Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.
51. Mural (or mural sign): A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.
52. Neon Sign: A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

53. Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.
54. Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising)
55. Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.
56. On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.
57. Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
58. Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
59. Personal Expression Sign: An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.
60. Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
61. Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign)
62. Vehicular Sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
63. Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.
64. Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)
65. Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.
66. Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

67. Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.
68. Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.
69. Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.
70. Security Sign: An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as warning sign)
71. Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.
72. Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.
73. Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.
74. Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.
75. Sign Height: The vertical dimension of a sign.
76. Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.
77. Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.
78. Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.
79. Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.
80. Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.
81. Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.
82. Temporary Sign: A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.
83. Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.
84. Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

85. Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)
86. Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

#### Section 14.22.040 Prohibited Signs

The following signs are unlawful and prohibited:

1. Abandoned signs.
2. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
3. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
4. Mechanical movement signs, including revolving signs.
5. Pennant strings and streamers.
6. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
7. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
8. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
9. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
10. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
11. Reflective signs or signs containing mirrors.
12. Interactive signs.
13. Signs incorporating beacon or festoon lighting.
14. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
15. Roof signs.
16. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
17. Any sign containing information which states or implies that a property may be used for any purpose not permitted under federal, state, or local laws and regulations.
18. Any sign that promotes illegal activity.

## Section 14.22.050 Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit provided such signs comply with the regulations in this section, if any.

1. Official traffic signs.
2. Government/regulatory signs.
3. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
4. Holiday and seasonal decorations.
5. Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated.
6. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
  - a. Residential districts. Signs not to exceed three (3) sq. ft. in area.
  - b. Non-residential districts. Signs not to exceed five (5) sq. ft. in area.
7. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
8. Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
9. Flags:
  - a. Location. Flags and flagpoles shall not be located within any right-of-way.
  - b. Height. Flags shall have a maximum height of 30 ft.
  - c. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
  - d. Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.
10. Legal notices.
11. Memorial signs, public monument or historical identification sign erected by the city, including plaque signs up to three (3) sq. ft. in area.
12. Directional signs, provided they do not contain any commercial messaging.
  - a. Area. No single directional sign shall exceed four (4) sq. ft. in area.
  - b. Height. Directional signs shall have a maximum height of five (5) ft.
  - c. Illumination. Directional signs shall be non-illuminated.
13. Art and murals, provided such signs do not contain any commercial messaging.
14. Temporary signs in compliance with this Chapter.

## Section 14.22.060 General Regulations

1. Sign location.

- a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
  - b. No sign may occupy a sight triangle.
  - c. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- 2. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- 3. Sign Area.
  - a. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
  - b. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
  - c. Signs may be double-sided.
    - i. On-premises signs.
      - 1. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
      - 2. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
      - 3. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
    - ii. Off-premises signs.
      - 1. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.
      - 2. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.

3. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
- d. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- e. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- f. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located.

### 3. Sign Height.

- a. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
  - b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
  - c. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.
4. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
5. Sign Illumination.

- a. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
  - i. Location. The summary table below provides detailed information about what types of illumination are permitted in each zoning district.
  - ii. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
  - iii. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
- b. Hours of Operation:
  - i. Signs on non-residential properties may be illuminated from 5 am until 11 pm, or 1/2 hour past the close of business of the facility being identified or advertised, whichever is later.
  - ii. Signs shall provide an automatic timer to comply with the intent of this Section.



- c. Brightness: Message center signs and digital displays are subject to the following brightness limits:
  - i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
  - ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
  - iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- d. Message Duration: The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs.
  - i. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
  - ii. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
  - iii. Divide the visibility distance by the speed limit (feet/second).
  - iv. Add an additional ten (10) percent of this number to the total.
  - v. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.
- e. Types of Illumination: Where permitted, illumination may be:
  - i. External: Externally illuminated signs, where permitted, are subject to the following regulations:
    - 1. The source of the light must be concealed by translucent covers.
    - 2. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
  - ii. Internal: Internally illuminated signs, where permitted, are subject to the following regulations:
    - 1. Internal illumination, including neon lighting, must be static in intensity and color.
    - 2. Message center signs are permitted in accordance with the regulations contained in this Chapter.
    - 3. Digital displays are permitted in accordance with the regulations contained in this Chapter.

6. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
  - a. Sign Type: Message center signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations of this Chapter.
  - b. Height: A message center sign shall have the same height limits as other permitted signs of the same type and location.
  - c. Area:
    - i. When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
    - ii. When used as an off-premises sign, message center signs may be used for the full permitted sign area.
  - d. Maximum Number: Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
  - e. Message Display:
    - i. No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
    - ii. The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).
    - iii. Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
  - f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit.
  - g. The addition of any message center sign to a nonconforming sign is prohibited.
7. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.
  - a. Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations in this Chapter.
  - b. Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
  - c. Area:
    - i. When used as an on-premises sign, digital displays shall not exceed more than 50% of the total sign area permitted on the site.
    - ii. When used as an off-premises sign, digital displays may be used for the full permitted sign area.
  - d. Maximum Number per Property: Where permitted, one (1) digital display sign is permitted per property.

- e. Message Display:
    - i. A Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
    - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity.
    - iii. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
  - f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit.
  - g. The addition of any digital display to a nonconforming sign is prohibited.
8. Electrical Standards.
- a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
  - b. All work shall be completed in full compliance with the city Electrical Code as set forth in the Uniform Construction Code.
  - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
  - d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the city as a condition precedent to the issuance of a sign permit.
9. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
10. Illumination Standards by District.

District					Brightn ess Limitati on for Digital Displays and Message Center Signs	Hours of Illuminati on	Motion Limitati on	Size Limitation	
	Intern al	Messag e Center Sign	Extern al	Digit al Displ ay				Digital Display Signs as a Max % of Total Sign Area on Site	Message Center Signs as a Max % of Sign Area

<b>Ag/Rural</b>	N	N <sup>^^</sup> ^	N <sup>^^</sup>	N	N/A	N/A	N/A	N / A	N / A
<b>Residential</b>	N	N	Y	N	N/A	N/A	Determined by visibility.	N / A	50%
<b>Institutional</b>	Y	Y	Y	N	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility.	N / A	50%
<b>Main Street</b>	Y	N <sup>^</sup>	Y	N	N/A	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility.	N / A	50%
<b>Village Commercial</b>	N	N	Y	N	N/A	5 am to 11 pm or 1/2 hour past close of business	N/A	N / A	N / A
<b>General Commercial &amp; Industrial</b>	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility.	50%	50%
<b>Off-Premises*</b>	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility.	100%	100%
<b>Temporary Signs*</b>	N	N	N	N	N/A	N/A	N/A	N / A	N / A
<b>Portable Signs*</b>	N	N	N	N	N/A	N/A	N/A	N / A	N / A

\*Off-premises, temporary, and portable signs are subject to the illumination regulations governing off-premises, temporary and portable signs, rather than the illumination standards governing the specific district where the sign is located

<sup>^</sup> Excludes marquee signs

<sup>^^</sup> Excludes signs located in Parks or Recreational Facilities

## Section 14.22.070 Regulations by Sign Type: On-Premises Signs

### 1. Wall Signs.

- a. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

### 2. Canopy or Awning Signs.

- a. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
- b. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
- c. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
- d. Sign Placement.
  - i. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
  - ii. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
- e. Sign Height.
  - i. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
- f. Any ground-floor awning projecting into a street right-of-way must be retractable.
- g. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
- h. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

### 3. Projecting Signs.

- a. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
- b. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
- c. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

### 4. Window Signs.

- a. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
5. Marquee Signs.
  - a. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
  - b. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side there-of.
  - c. No marquee shall extend closer to the curb than three (3) feet.
  - d. Sign Height.
    - i. No portion of a marquee sign shall extend vertically above the eaveline.
    - ii. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.
6. Freestanding Signs.
  - a. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
  - b. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
  - c. Sign Placement.
    - i. All freestanding signs shall be set back five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.
    - ii. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.
7. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

## Section 14.22.080 Regulations by Sign Type: Off-Premises Signs

1. Locations Permitted.
  - a. Off-premises signs are permitted in the following locations:
    - i. [list zones/districts permitted]
2. Sign Size: An off-premises advertising sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces.

	Posted Speed Limit (MPH)				
	≤ 35	36 -45	46-55	56-65	Limited Access
Maximum Sign Area (sq. ft.)	60	100	150	200	300

3. Height and Location of Sign.
  - a. The lowest edge of an off-premises sign shall be at least seven (7) ft. above the finished grade.
  - b. Off-premises signs shall have a maximum height of 30 ft.
4. Spacing: Off-premises signs shall be:
  - a. Set back from the ultimate right of way a distance equal to the height of the off-premises sign or 15 feet, whichever is greater.
  - b. Located no closer than 25 feet from any property line.
  - c. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property.
  - d. Located no closer than 1,500 ft. from another off-premises sign on either side of the road measured linearly.
  - e. Located no closer than 500 ft. from any intersection, or interchange (on/off-ramp).
  - f. Located no closer than 1,000 ft. from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
  - g. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
  - h. Not located on rights-of-way or waterline/pipeline easements.
  - i. Not located on a bridge.
5. Number of Signs per Lot: There shall be no more than one off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.
6. Double-Sided Off-Premises Signs: Signs may be single or double-sided, in accordance with this Chapter.
7. Message Sequencing: Message sequencing is prohibited.
8. Construction and Maintenance.
  - a. All plans for off-premises signs shall be certified by a licensed engineer registered in Utah.
  - b. All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the Uniform Construction Code.
  - c. The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by the city.
  - d. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Utah and shall provide to the city a certificate certifying that the billboard is structurally sound.

9. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
10. Landscaping. Landscaping shall be provided at the base of all off-premises signs.
11. Additional Regulations. All off-premises signs shall comply with any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.
12. Application/Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:
  - a. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
  - b. The distance to the nearest existing off-premises advertising sign.
  - c. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, bridge, residential district, rights-of-way, and waterline/pipeline.
  - d. Site plan containing all of the applicable requirements set forth in the city code, as amended.
  - e. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
13. Illumination and Changeable Copy of Off-Premises Signs.
  - a. Off-premises signs may incorporate manual changeable copy signs.
  - b. Off-premises signs may be illuminated, provided that:
    - i. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
    - ii. Light sources are not visible from any street or adjoining properties.
  - c. The following illumination types shall be permitted subject to the regulations in this Chapter.
    - i. Message center sign
    - ii. Digital display
    - iii. External illumination
    - iv. Internal illumination
  - d. Off-premises signs may incorporate Tri-Vision Boards.
    - i. The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in this Chapter.
14. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety



hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

## Section 14.22.090 Regulations by Sign Type: Limited Duration Signs

1. Limited duration signs, as defined in this Section, located on private property are subject to the regulations set forth below. Limited Duration signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.
2. Size and Number.
  - a. Non-Residential Zones:
    - i. Large Limited Durations Signs: One (1) large limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large limited duration signs.
      1. Type:
        - a. Freestanding sign
        - b. Window sign
        - c. Wall sign
      2. Area: Each large limited duration sign shall have a maximum area of 16 sq. ft.
        - a. Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
    - ii. Small Limited Duration Signs: In addition to the large limited duration sign(s) outlined above, one (1) small limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted.
      1. Type:
        - a. Freestanding sign
        - b. Window sign
        - c. Wall sign
      2. Area: Each small limited duration sign shall have a maximum area of six (6) sq. ft.
      3. Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.
  - b. Residential Zones:

- i. Large Limited Duration Sign: One (1) large limited duration sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

1. Type:
  - a. Freestanding sign
  - b. Window sign
  - c. Wall sign
2. Area: Each large limited duration sign shall have a maximum area of 16 sq. Ft.
3. Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.

Small Limited Duration Sign: One (1) small limited duration sign is permitted per property.

1. Type:
  - a. Freestanding sign
  - b. Window sign
  - c. Wall sign
2. Area: Each small limited duration sign shall have a maximum area of six (6) sq. ft.
3. Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

### 3. Permit Requirements.

- a. A permit for a limited duration sign is issued for one (1) year and may be renewed annually.
- b. One (1) sign is allowed per permit. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.
- c. An application for a limited duration sign permit must include:
  - iii. A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;
  - iv. A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;
  - v. The number of signs on the site.

### 4. Installation and Maintenance.

- a. All limited duration signs must be installed such that in the opinion of the city building official, they do not create a safety hazard.
- b. All limited duration signs must be made of durable materials and shall be well-maintained.

- c. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
5. Illumination: Illumination of any limited duration sign is prohibited.
6. Summary Table for Limited Duration Signs.

Limited Duration Signs		
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.	Number: 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.
	Height: Maximum 8 ft.	Height: Maximum 8 ft.
Small Limited Duration Signs (max area 6 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of frontage or has > 10,000 square feet of floor area.	Number: 1 per property
	Height: Maximum 6 ft.	Height: Maximum 6 ft.

### Section 14.22.100 Regulations by Sign Type: Temporary Signs

1. Temporary signs, as defined in this Section, located on private property, are exempt from standard permit requirements. Temporary signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
2. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.
3. Size and Number.
  - a. Non-Residential Districts:
  - b. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large temporary signs.

- i. Type:
  - 1. Freestanding sign
  - 2. Window sign
  - 3. Wall sign
  - 4. Banner

- ii. Area:
  - 1. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
  - 2. Each large temporary banner shall have a maximum area of 32 sq. ft.

- iii. Height:
  - 1. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
  - 2. Banners shall hang at a height no greater than 24 feet.

- c. Small Temporary Signs: In addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has > 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.

- iv. Type:
  - 1. Freestanding sign
  - 2. Window sign
  - 3. Wall sign

- v. Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.

- vi. Height: Small temporary signs shall have a maximum height of six (6) feet.

Residential Districts:

- a. Large Temporary Signs: One (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

- vii. Type:
  - 1. Freestanding sign
  - 2. Window sign
  - 3. Wall sign
  - 4. Banner Sign

- viii. Area:
  - 1. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.

2. Each large temporary banner shall have a maximum area of 32 square feet.

- ix. Height:
  1. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
  2. Banners shall hang at a height no greater than 24 feet.
- b. Small Temporary Signs: One (1) small temporary sign is permitted per residential property.
- x. Type:
  1. Freestanding sign
  2. Window sign
  3. Wall sign
- xi. Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.
- xii. Height: Small temporary signs shall have a maximum height of six (6) feet.

#### Duration and Removal

- a. Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.
- b. The city or the property owner may confiscate signs installed in violation of this chapter. Neither the city nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

Municipal Notification: Temporary signs are exempt from the standard permit requirements, but the date of erection of a temporary sign must be written in indelible ink on the lower right-hand corner of the sign.

#### Installation and Maintenance.

- a. All temporary signs must be installed such that in the opinion of the city's building official, they do not create a safety hazard.
- xiii. All temporary signs must be made of durable materials and shall be well-maintained.
- xiv. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
- I. Illumination: Illumination of any temporary sign is prohibited.
- J. Summary Table for Temporary Signs.

Temporary Signs	
Non-Residential Districts	Residential Districts

Large Temporary Signs (max area: 32 sq. ft. for banner, 16 square feet for all other signs)	Number: 1 per property; 2 if property is	Number: 1 per property if property is
	5+ acres with 400+ ft. of street front- age, or has > 10,000 square feet of floor area.	5+ acres with 400+ ft. of street front-age or has > 10,000 square feet of floor area.
	Height:	Height:
	<i>Ground:</i> Maximum 8 ft. <i>Banner:</i> Maximum 24 ft.	<i>Ground:</i> Maximum 8 ft. <i>Banner:</i> Maximum 24 ft.
Small Temporary Signs (max area: 6 sq. ft.)	Number: 1 per property; 2 if property is	
	5+ acres with 400+ ft. of street front-age, or has > 10,000 square feet of floor area.	Number: 1 per property
	Height: Maximum 6 ft.	Height: Maximum 6 ft.

## Section 14.22.110 Regulations by Sign Type: Portable Signs

### General Provisions.

- a. Illumination: Illumination of any portable sign is prohibited.
- b. Hours of Display.
  - i. Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. However, all portable signs must be taken in during hours of non-operation of the business being advertised.
  - ii. All portable signs must be taken in during inclement weather.
- B. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
  - a. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
  - b. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
  - d. Sign Placement.
- iii. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained.
- iv. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the

- purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
- v. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
- e. Manual Changeable Copy.
- vi. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
- vii. Commercial messages must advertise only goods and services available on the premises.

#### Section 14.22.120 Regulations by Sign Type: Street Pole Banners

- A. General Provisions. Street pole banner signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
  - a. Illumination: Illumination of any street pole banner is prohibited.
  - b. Area: Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
  - c. Height.
    - i. When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the Street Pole Banner shall be at least 14 feet above the finished grade.
    - ii. When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
  - d. Location.
    - iii. No street pole banner shall extend beyond the curbline.
    - iv. Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
    - v. Street pole banners shall not interfere with the visibility of traffic signals or signs.
    - vi. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
  - e. Installation and Maintenance.
    - vii. All street pole banners must be made of lightweight and durable fabrics with wind slits.
    - viii. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.
- B. Permit Requirements

- a. A permit for a street pole banner is issued for one (1) year and may be renewed annually.
- b. An application for a street pole banner permit must include the following:
  - ix. A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.
  - x. A proof of the street pole banner design, including the banner's dimensions.
  - xi. If brackets are to be installed, submit specifications for the bracket installation system.

### Section 14.22.130 Signs in Residential Zone

In addition to the exempt signs described in this Chapter, the following numbers and types of signs may be erected in the [insert names of applicable residential districts], subject to the conditions set forth herein.

- A. Any limited duration sign as defined and regulated in Sec. \_\_\_\_\_ Regulations by Sign Type (Limited Duration Signs).
- B. Any temporary sign as defined and regulated in Sec. \_\_\_\_\_ Regulations by Sign Type (Temporary Signs).
- C. Freestanding signs for residential developments or apartment buildings containing more than ten units shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per street frontage.
  - b. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height of eight (8) feet.
  - d. Illumination: The following illumination types shall be permitted subject to the regulations in §6.F. Sign Illumination.
- i. External illumination
- D. Summary Table for Signs in Residential Districts.

	Residential Districts	
	Wall and Projecting	Freestanding
Maximum Number	Home Occupations: 1 per lot	Home Occupations: 1 per lot Residential Developments: 1 per lot
Maximum Area (sq. ft.)	Home Occupations: 2	Home Occupations: 6 Residential Developments: 15
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.	Home Occupations: 6 ft. Residential Developments: 8 ft.



## Section 14.22.140 Signs in Downtown District

In addition to the exempt signs described in §5. Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the [insert names of applicable Downtown districts], subject to the conditions specified in this Chapter.

- A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in Sec. \_\_\_\_\_ Signs in Residential Districts.
- B. Any portable sign as defined and regulated in Sec. \_\_\_\_\_ Regulations by Sign Type (Portable Signs).
- C. Any street pole banner as defined and regulated in Sec. \_\_\_\_\_ Regulations by Sign Type (Street Pole Banners).
- D. The total area of all wall, awning/canopy, and projecting signs shall be limited to two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- E. Wall signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
  - b. Area: No single wall sign shall exceed 24 sq. ft. in area.
  - c. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
  - d. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_ Sign Illumination.
    - i. External illumination, lit from above
    - ii. Halo illumination or back-lit letters
    - iii. Neon lighting
- F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
  - b. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.
    - iv. External illumination, lit from above.
- G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
  - b. Area: Each sign shall have a maximum area of twelve (12) sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.

d. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.

v. External illumination, lit from above

vi. Neon lighting

H. Window signs for non-residential uses shall be permitted subject to the following regulations.

a. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

b. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.

c. Neon lighting

I. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

a. Number: One (1) marquee structure per building.

b. Area: The total area of all signs on a single marquee structure shall not exceed 150 sq. ft. in area.

c. Height: Signs shall have a maximum height equal to the eaveline.

d. Illumination: The following illumination types shall be permitted subject to the regulations in §6.F. Sign Illumination.

vii. Internal illumination

viii. Message center sign

J. Summary Table for Signs in Downtown District.

Main Street Districts				
	Wall and Awning/Canopy	Projecting	Window	Marquee
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant)  Awning/Canopy: N/A (See §7)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per building
Maximum Area (Total)	2 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A

Maximum Area (Individual)	Wall: 24 sq. ft.  Awning/Canopy: N/A (See §7)	12 sq. ft.	15% of total window area (permanent signs); 25% total window area (all signs)	150 sq. ft.
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.		N/A	The eaveline

### Section 14.22.150 Signs in General Commercial and Industrial Districts

Except as noted below, the following numbers and types of signs may be erected in any industrial district or the [insert names of the applicable commercial zoning districts] subject to the conditions specified herein.

- A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in Sec. \_\_\_\_ Signs in Residential Districts.
- B. Any portable sign as defined and regulated in Sec. \_\_\_\_ Regulations by Sign Type (Portable Signs).
- C. Any street pole banner as defined and regulated in Sec. \_\_\_\_ Regulations by Sign Type (Street Pole Banners).
- D. The total area of all wall, awning/canopy, and projecting signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- E. Wall signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
  - b. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height equal to the eaveline.
  - d. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_ Sign Illumination.
    - i. Internal illumination
    - ii. External illumination, lit from above
    - iii. Halo illumination or back-lit letters
    - iv. Neon lighting
- F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Height: Signs shall have a maximum height equal to the eaveline.
  - b. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_ Sign Illumination.

- v. External illumination, lit from above
- G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
  - b. Area: Each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height equal to the eaveline.
  - d. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.
- vi. External illumination, lit from above
- vii. Neon lighting
- H. Window signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
  - b. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.
- viii. Neon lighting
- I. Marquee signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) marquee sign per building.
  - b. Area: The total area of signs on a single marquee structure shall not exceed 200 sq. ft. in area.
  - c. Height: Signs shall have a maximum height equal to the eaveline.
  - d. Illumination: The following illumination types shall be permitted subject to the regulations in Sec. \_\_\_\_\_ Sign Illumination.
- ix. Internal illumination
- x. Message center sign
- xi. Digital display
- J. In addition to building signs, freestanding signs for non-residential uses shall be permitted subject to the following regulations.
  - a. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
- xii. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted for the advertising of gas prices and identification of the gas station only, up to two (2) additional signs per property.

- xiii. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.
- b. Area: Each sign shall have a maximum area of 50 sq. ft. plus an additional 10 sq. ft. per tenant up to a maximum of 100 sq. ft.
- c. Height: Signs shall have a maximum height of 20 ft.
- d. Illumination: The following illumination types shall be permitted subject to the regulations in §6.F. Sign Illumination.
- xiv. Internal illumination
- xv. Message center sign
- xvi. Digital display
- K. Off-premises signs shall be permitted, subject to the regulations detailed in Sec. \_\_\_\_\_
- Regulations by Sign Type (Off-Premises).
- L. Summary Table for Signs in Commercial and Industrial Districts.

General Commercial and Industrial Districts						
	Wall and Awning/ Canopy	Projecting	Window	Marquee	Freestanding	<i>Optional:</i> Upper-Level  Building Identification
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant)  Awning/ Canopy: N/A (see §7)	1 per ground floor estab- lishment, plus 1 per building en- trance serv- ing tenants without a ground floor entrance	N/A	1 per building	1 per street frontage, up to 2 per lot (additional signs allowed for gas sta- tions and drive-thru es- tablishments)	1 per build-ing ( ~ 3 sto- ries high)
Maximum Area (Total)	1.5 sq. ft. per linear ft. of build-ing frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A	N/A	N/A

Maximum Area (Individual)	Wall: 32 sq. ft.  Awning/ Canopy: N/A (see §7)	20 sq. ft.	25% total window area (permanent signs); 35% (all signs)	200 sq. ft.	50 sq. ft. plus an additional 10 sq. ft. per tenant up to 100 sq. ft.	200 sq. ft.
Maximum Height	The eaveline		N/A	The eaveline	20 ft.	The eaveline

## Section 14.22.160 Removal of Unsafe, Unlawful, or Abandoned Signs

### A. Unsafe or Unlawful Signs.

- a. Upon written notice by the city, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the city to be a nuisance, or it is deemed unsafe by the city, or it is unlawfully erected in violation of any of the provisions of this Article.
- b. the city may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the city may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

### B. Abandoned Signs.

- a. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
- b. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days the city may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the city may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

## Section 14.22.170 Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the city without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in Sec. \_\_\_\_\_ Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the city:
  - a. Name of organization and location.
  - b. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
  - c. Contact person and contact information.
  - d. Description of the activities occurring on the site where the sign will be installed.
  - e. Description of any existing signage that will remain on the site.
  - f. Identification of the type of sign(s) to be erected by the applicant.
  - g. Site plan depicting the locations of proposed signage and existing remaining signage.
  - h. Two copies of a plan drawn to scale depicting:
    - i. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
    - ii. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
    - iii. Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.
    - iv. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
      - i. A permit fee, to be established from time to time by Resolution of the city, shall be paid.
2. The city shall have ten (10) business days from the receipt of a complete application to review the application.
3. A permit shall be issued on or before the end of the ten (10) business day review period if the application for a new sign or renewal complies with the regulations contained herein.
4. If the city does not issue a determination within the ten (10) business day period, the sign permit is deemed approved.
5. An application for a sign permit may be denied by the city within the ten (10) business day review period if the application fails to comply with the standards contained herein. the city shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
6. Upon denial of an application for a sign permit, the applicant has 30 days to revise and resubmit the application for review by the city. In the alternative, the applicant may also

appeal the decision of the city council within the 30 day time period. The city at its next regularly scheduled meeting, shall review the city's denial of the application.

7. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that costs more than 50% of the replacement cost of the damaged sign) the organization must apply for a new sign permit, and pay an additional fee, if required.
8. All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in Sec. \_\_\_\_\_ Sign Illumination. This certification must be renewed every three years. This will allow the city to adjust standards as needed based on changing technology and evaluation of impacts. the city reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.

#### Section 14.22.180 Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
  - a. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
  - b. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
  - c. An alteration in the structure of a sign support.
  - d. A change in the mechanical facilities or type of illumination
  - e. A change in the material of the sign face.
  - f. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
  - g. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the city.
- C. To determine the legal status of existing signs in each of the cases listed in Sec. \_\_\_\_\_, the applicant shall submit the following information to the city Zoning Officer:
  - a. Type(s) of existing sign(s) located on the property.
  - b. The area and height of all signs.
  - c. For freestanding signs, the distance between the curblin or shoulder and the nearest portion of the sign.
  - d. Type of sign illumination.



- e. The material of which the sign is constructed.
  - f. The building frontage.
  - g. If an Off-Premises sign, the applicant shall also submit the plan requirements listed in Sec. \_\_\_\_\_.
- D. Prior to the events listed in Sec. \_\_\_\_\_, nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- E. All nonconforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this Article, unless specific approval is granted as provided for herein.

#### Section 14.22.190 Signs on the Premises of Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

#### Section 14.22.200 Violations

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent.

### CHAPTER 14.24 Transit-Oriented Development

NEED TO INSERT CURRENT TOD CODE

# TITLE 15 Buildings and Construction

## CHAPTER 15.01 Design Standards and Public Improvement Specifications

### Section 15.01.010 INTENT.

It is the intent of the city council, through the adoption of this chapter, to establish minimum standards for the design, construction and quality of public improvements and certain essential private improvements constructed as a part of a subdivision, development, utility extension or similar project within the city.

### Section 15.01.020 ADOPTION OF MANUAL.

The City hereby adopts the “Design Standards and Public Improvement Specifications” for the City, version February 2026, as amended from time to time, as authorized herein (the “Standards and Specifications Manual”).

### Section 15.01.030 MAINTENANCE MANUAL.

The Standards and Specifications Manual, as amended, shall be available for public review as follows:

1. Three copies shall be available for review at the American Fork Public Works Building; and
2. It shall be posted on the American Fork City website.

### Section 15.01.040 VARIANCE.

Requests for a variance from the standards and specifications set forth in the Standards and Specifications Manual may be granted by the Development Review Committee, upon a finding that:

1. The standard or requirement from which a variance is being sought is unnecessary in order to maintain the integrity of the system or facility and the safety of the public; and
2. The variance may be granted without significant negative impact on the intent of the standard and will not require future remedial action by the city or any adjacent development

### Section 15.01.050 AMENDMENT TO MANUAL

1. For all non-land use amendments, the Standards and Specifications Manual may be amended from time to time, as approved by the Development Review Committee.
  - a. Procedure for approval.
    - i. Proposed amendments shall be submitted to the Development Review Committee for review and approval. Approval of an amendment to the

Standards and Specifications Manual shall be made by unanimous vote of the quorum present.

- ii. In the event a proposed amendment is not approved by unanimous vote, the proposed amendment may be presented to the Planning Commission for review and recommendation to City Council.
  - iii. With a recommendation of Planning Commission, the proposed amendment to the Standards and Specifications Manual shall be presented to City Council for action.
- b. Any amendments to the Standards and Specification Manual that are deemed “land use” amendments, said amendments shall be made in accordance with the Municipal Land Use, Development and Management Act, Utah Code 10-20-101 et. Seq.

#### Section 15.01.060 ENFORCEMENT OF MANUAL

1. Non-conformance. Failure to conform to the standards and specifications set forth in the Standards and Specifications Manual may result in:
  - a. Suspension and/or revocation of all construction activities;
  - b. Withholding of permits (buildings, grading, excavation) and certificates of occupancy;
  - c. Stop work order;
  - d. Order for removal and replacement of faulty work;
  - e. Requirement of an extended warranty period;
  - f. Injunction, mandamus, abatement proceedings;
  - g. A cash settlement to be applied toward future maintenance costs; and/or
  - h. criminal penalties.
2. Appeal. Any suspension, revocation or stop order by the city may be appealed by the constructing party to the city council by filing a written notice of appeal within ten (10) days of the action of the city. The city council shall hear such appeal, if a written request is timely filed, as soon as practicable, and render its decision within a reasonable time following filing of notice of appeal.
3. Penalty. In addition to being subject to injunctive or abatement actions under this chapter, violation of this code or any regulation, order or permit adopted or issued under this code shall, upon conviction, be punishable either:
  - a. Criminal Penalty: A class B misdemeanor per violation per day; and
  - b. Civil penalty: A civil penalty not to exceed \$1,000 per violation per day.

#### Section 15.01.070 CONFLICTS.

Wherever the terms of the specific standards and specifications adopted within the Standards and Specifications Manual shall conflict with the terms of any other application regulation, whether it

be the American Fork City Code, Utah State Code, or otherwise, the more stringent shall apply, unless relief therefrom, shall have been granted by the city council, as applicable.

## **Section 15.01.080 BUILDING OFFICIALS AND INSPECTORS.**

### **Section 15.01.090 CHIEF BUILDING OFFICIAL.**

1. Appointment. There is hereby created the position of chief building official. The city administrator, by and with the consent of the city council, may appoint an individual to serve in the position of chief building official, or may enter into a general services agreement with a qualified professional to provide plan review and inspection services.
2. Powers and Duties. The chief building official shall have the following powers and duties:
  - a. To review building permit applications for conformance with the adopted codes and issue building permits as applicable.
  - b. Wherever violations occur, to consult with the city attorney and to issue stop orders and citations and/or to give testimony, prepare exhibits, and provide other data that may be needed in the enforcement of said codes.
  - c. To inspect residences where an application has been made for building permits.
  - d. To perform such other duties as are from time to time assigned to him by the city council or city administrator.
  - e. In the event that a chief building official is not appointed, resigns, or otherwise cannot perform his or her duties, the city administrator will have the authority to select a qualified professional to immediately act as a temporary chief building official until the time a permanent chief building official is formally appointed. A temporary chief building official shall have all of the same powers and duties set forth in this chapter.

### **Section 15.01.100 BUILDING INSPECTORS**

1. Powers and Duties. It shall be the duty of the building inspector, when called upon, to examine all public and private buildings, bridges, dams, locks, gates, reservoirs, aqueducts or other works, and to certify to the strength, safety, workmanship and general condition of the same. They shall also, when requested, inspect all building material which may be offered for sale, measure all buildings, building material, mason and mechanical work and, when required, certify to the measurement thereof. Such certificate shall be evidence of the things therein certified.

## **CHAPTER 15.02 ADOPTION OF CODES.**

### **Section 15.02.010 INTERNATIONAL BUILDING CODE.**

The 2021 edition of the International Building Code (IBC), as published by the International Code Council, regulating and governing the conditions and maintenance of all property,

buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of building and structures unfit for human occupancy and use the demolition of such structures; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building code, is hereby referred to and adopted as the building code of American Fork City. Appendix J is also hereby adopted as part of said code. Except as otherwise provided in The Code of the City of American Fork, Utah, all other appendices to the IBC are not adopted as part of said building code.

#### **Section 15.02.020 NATIONAL ELECTRICAL CODE.**

The 2020 edition of the National Electrical Code as developed by the National Electrical Code Committee of the American National Standards Institute (ANSI), sponsored by the National Fire Protection Association (NFPA), is hereby adopted as the electrical code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the National Electrical Code are not adopted as part of said code.

#### **Section 15.02.030 INTERNATIONAL PLUMBING CODE.**

The 2021 edition of the International Plumbing Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said plumbing code, is hereby referred to and adopted as the plumbing code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the International Plumbing Code are not adopted as part of said code.

#### **Section 15.02.040 INTERNATIONAL MECHANICAL CODE.**

The 2021 edition of the International Mechanical Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said mechanical code, is hereby referred to and adopted as the mechanical code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the International Mechanical Code are not adopted as part of said code.

#### **Section 15.02.050 INTERNATIONAL FIRE CODE.**

The 2021 edition of the International Fire Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing

systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said fire code, is hereby referred to and adopted as the fire code for American Fork City. Except as otherwise provided in The Code of the City of American Fork, Utah, all appendices to the International Fire Code are also adopted as part of said code.

#### **Section 15.02.060 INTERNATIONAL ENERGY CONSERVATION CODE.**

The 2021 edition of the International Energy Conservation Code, as published by the International Code Council, is hereby adopted as the energy conservation code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the International Energy Conservation Code are not adopted as part of said code.

#### **Section 15.02.070 INTERNATIONAL RESIDENTIAL CODE.**

The 2021 edition of the International Residential Code, as published by the International Code Council, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code, is hereby referred to and adopted as the residential code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the International Residential Code are not adopted as part of said building code.

#### **Section 15.02.080 INTERNATIONAL FUEL GAS CODE.**

The 2021 edition of the International Fuel Gas Code, as published by the International Code Council; regulating and governing fuel and gas systems and gas-fired appliances; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said fuel gas code, is hereby adopted as the fuel gas code for American Fork City. Except as otherwise provided in the Code of the City of American Fork, Utah, the appendices to the International Fuel Gas Code are not adopted as part of said code.

#### **Section 15.02.090 NFPA FIRE SPRINKLER.**

The 2013 NFPA Fire Sprinkler Installation Standard is hereby adopted as the Fire Sprinkler Standard for American Fork City.

#### **Section 15.02.100 UNIFORM CODE FOR BUILDING CONSERVATION.**

The Uniform Code for Building Conservation (“UCBC”) (1997 Edition) [published by the International Conference of Building Officials (ICBO) and printed in code book form]—including the state and local amendments thereto, as promulgated and adopted by the Division of

Occupational and Professional Licensing of the State of Utah—is hereby adopted and incorporated herein as the residential code of the city of American Fork.

#### **Section 15.02.110 UNIFORM CODE FOR ABATEMENT.**

The City hereby approves and adopts the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, to govern the abatement of dangerous buildings in the City of American Fork. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

#### **Section 15.02.120 FEE SCHEDULE ADOPTED.**

Notwithstanding the adoption of the International Building Code ("IBC") and unless otherwise provided in the American Fork Fee Schedule, the fee schedule set forth in Table 1-A of the Uniform Building Code ("UBC"), as promulgated and adopted by the Division of Occupational and Professional Licensing of the State of Utah, is hereby adopted and incorporated herein as the building permit and/or building code fee schedule of the city of American Fork.

#### **Section 15.02.130 AVAILABILITY OF CODES FOR REVIEW.**

There shall be a copy of the codes adopted in Chapter 15.03 available for use and review by the public in the American Fork Public Works and Development Services Building.

### **CHAPTER 15.03 PERMITS AND INSPECTION FEES.**

#### **Section 15.03.010 Issuance of Permits.**

1. It shall be unlawful to erect, construct, reconstruct, or alter any building, structure, fence or any part thereof, without first obtaining a written permit from the City. An application for a building permit shall be accompanied by a plat drawn to scale showing the location of the lot with respect to land survey monuments, the size of the lot, and the size and locations of the existing and proposed structures.
2. No permit shall be granted for the erection or alteration of any building or structure if such erection or alteration would be in violation of the provisions of American Fork City Code. Any permit issued in conflict with the provisions of American Fork City Code shall be null and void.
3. No building permit shall be issued for a remodel or addition to any structure if it can be shown that previous construction has taken place on the parcel or lot without the issuance of a building permit from the City in violation of American Fork City Code and the violation has not been brought into compliance.

### **Section 15.03.020 Establishment of Fees.**

The amount of permit and/or inspection fees relating to construction activities identified in the International Building Code shall correspond with the amounts set forth in those codes and as set forth by American Fork City Resolution.

### **Section 15.03.030 Payment of Fees.**

Building permits shall not be issued until all permit fees, development review fees, and City utility fees are paid, all required bonds are posted and all required documents are submitted. City utility fees may include, but are not limited to, sewer connection fee, sewer inspection fee, water meter fee, water connection fee and asphalt patching fee. No building permit shall be issued until the sewer and water lines have been installed to the lot and the final grade has been determined; provided, however, that the Director of Public Works may waive this requirement by written authorization. No building permit shall be issued for a lot within a subdivision until the subdivision plat has been recorded.

### **Section 15.03.040 Collection of Fees.**

The collection of fees established under this Chapter shall be by the Chief Building Official.

### **Section 15.03.050 Enforcement and Penalty.**

Unless otherwise specified, a violation of any provision of this Title, or failure to comply with an order of suspension, revocation or stop work, shall be a class B misdemeanor and, upon conviction, subject to a penalty not to exceed \$1,000 and imprisonment not to exceed ninety days. Each day the violation exists shall be a separate offense. No criminal conviction shall excuse the person from otherwise complying with the provisions of this chapter.

## **CHAPTER 15.04 PUBLIC IMPROVEMENT AND REPAIR BOND**

### **Section 15.04.010 Application of Chapter.**

The provisions of this chapter shall be applicable wherever the terms of the development code require the posting of an improvement completion assurance (previously referred to as improvement construction guarantee) or improvement warranty (previously referred to as durability retainer) to ensure the timely construction of required landscaping and/or infrastructure improvements within a subdivision, large scale development, commercial project, or similar development project in a timely manner and/or in accordance with city standards or the terms of approval for such project, as applicable. All improvement completion assurances and improvement warranties shall be submitted and administered in accordance with the terms of this Chapter.



## Section 15.04.020 Terms and Definitions

1. Actual construction of required improvements. The city shall require actual construction of all required public infrastructure improvements prior to plat recordation or development activity.
2. Improvement completion assurance. Improvement completion assurance means an escrow account, cash deposit with the city or secured letter of credit, upon the applicant's request, to guaranty the proper completion of landscaping or infrastructure improvement required as a condition precedent to:
  - a. Recording a subdivision plat; or
  - b. Development of a commercial, industrial, mixed use, or multifamily project.
3. Improvement warranty. Improvement warranty means applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
  - a. Complies with the city's written standards for design, materials, and workmanship; and
  - b. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
4. Infrastructure improvement. Infrastructure improvement means permanent infrastructure that an applicant must install:
  - a. Pursuant to published installation and inspection specifications for public improvements; and
  - b. As a condition of:
    - i. Recording a subdivision plat; or
    - ii. Development of a commercial, industrial, mixed use, condominium, or multifamily project.

## Section 15.04.030 Types of Assurance or Warranty Accepted

The type of improvement completion assurance or improvement warranty shall be limited to one of the following:

1. Cash deposit with the city. A cash deposit with the city. Prior to the improvement completion assurance being deemed acceptable by the city, the deposit shall be verified by the city's financial institution as a completed transaction. The deposit shall be in an amount sufficient to cover the requisite improvement completion assurance amount as determined by Section 17.9.300 or 17.9.400, as applicable. Any interest derived shall inure to the benefit of the applicant, provided the applicant makes a written request for payment of said interest on an annual basis thirty days prior to the anniversary date of deposit with the city. Failure of the applicant to make such a request for said interest shall be considered forfeiture of said funds.
2. Escrow account. Establishment of an escrow account by a financial institution acceptable to the city. Said account shall include a written agreement between the city and financial institution containing provisions which include: (1) the amount of the improvement

completion assurance, (2) a provision that any release of funds will require the written prior approval of the city (3) be for a period of time equal to the improvement completion assurance period established for the project according to 17.9.300 and 17.9.400, plus six months, and (4) authorization for direct payment to the city by the issuer of the account upon receipt of a notice of default from the city and a request for payment. Any interest derived from the account shall inure to the benefit of the applicant. The escrow shall be in an amount sufficient to cover the requisite improvement completion assurance amount as determined by Section 17.9.300 or improvements warranty amount as determined by 17.9.400, as applicable.

3. Secured letter of credit. A secured letter of credit issued by a federally insured bank, savings and loan, or credit union acceptable to the city, in a form approved by the city attorney. Said form shall include, at minimum, (1) the amount of the improvement completion assurance, (2) a provision that any release of funds will require the written prior approval of the city, (3) be for a period of time no less than that established for the project according to 17.9.300 and 17.9.400, plus six months, (4) authorization for direct payment to the city upon receipt of a notice of default from the city and request for payment. The secured letter of credit shall be in an amount sufficient to cover the requisite improvement completion assurance amount as determined by 17.9.300 or improvement warranty amount as determined 17.9.400, as applicable.

#### Section 15.04.040 Amount of Improvement Completion Assurance

The amount of the improvement completion assurance shall be in an amount equal to or less than one hundred ten percent of the estimated cost for construction of all required public improvements for the project, including: (1) cost of materials, (2) cost of installation, (3) contingency amount for the public improvements, (4) cost for clean-up of the site following completion of construction, (5) amount of reimbursement for public improvements constructed by previous developers, if any, and (6) estimated cost of inspection, administration, and enforcement by the city and their agents.

#### Section 15.04.050 Procedure for Determination of Amount

The amount of the improvement completion assurance shall be determined by the city engineer. The following procedure should be utilized by the city engineer to establish the amount:

1. Applicant shall provide to the city engineer a detailed cost estimate for construction of all required public improvements for the project, including all costs identified in 17.9.301.
2. The city engineer shall review and accept or decline the proposed costs from the applicant. In the event the city engineer declines to accept the proposed cost estimate, he/she shall provide notice to the applicant of which line items are not acceptable and the reason for the declination.

3. Applicant shall resolve the line items declined by the city engineer and re-submit a detailed cost estimate. In the even applicant disputes the city engineers declination he/she shall provide documentation to support the proposed cost estimate.
4. The city engineer shall review that re-submittal to determine the amount of the improvement completion assurance.

#### Section 15.04.060 Duration of Improvement Assurance Period

1. The duration of the improvement completion assurance shall be for twelve months, or such period of time specified for completion of the respective type of development, if other than twelve months. The improvement completion assurance period shall also include any extensions for completion of public improvements approved in accordance with Subsection 2. of this section. The improvement completion assurance period shall commence on the day of recording of any final plat at the office of the county recorder, date of approval action by the land use authority when no recording of a plat is required, or when the improvement assurance is established, whichever occurs later. The city may allow the duration of the improvement completion assurance to be extended for a period of up to six additional months in order to provide adequate time for completion of public improvements. The improvement completion assurance period shall continue until the passage of time herein above specified and until the City Council shall have issued a notice of completion and acceptance of public improvements and release of the improvement completion assurance. With the mutual written consent of all parties, the length of the improvement completion assurance period may be shortened.
2. An extension of the improvement completion assurance period may be granted by the **City Council** upon receipt of a request by the project owner, provided: (1) that such application is submitted at least sixty days prior to the expiration of the improvement completion assurance period, (2) the issuer of the improvement completion assurance is willing to extend the time of the assurance, (3) the city makes a finding that work in completing the required public improvements is satisfactory, (4) the estimated cost of performing the remaining tasks is less than the amount of the assurance remaining, or the amount of the improvement completion assurance is increased in an amount sufficient to cover the remaining tasks and (5) the City Engineer or designated representative makes a finding that the uncompleted work does not pose a hazard or unreasonable inconvenience to the public or adjacent residents. If an extension is not granted by the City Council then default shall occur according to **17.9.500.**
3. Any required public improvements to be installed within existing street right-of-way currently in use by the public shall be diligently pursued and completed with minimum disruption to public safety and convenience. In the event that work within the right-of-way area is not diligently pursued in accordance with good engineering and construction practice, the City Council, subject to a finding that the quality or timing of construction is unsatisfactory, inconsistent with reasonable norms of construction practice, and poses unreasonable hazard and inconvenience to the public, may declare part or all of the

improvement completion assurance in default and proceed to collection of the proceeds as provided under the terms of **Section 17.9.500.**

#### Section 15.04.070 Partial Release Authorized.

The city may authorize partial release(s) of the improvement completion assurance in an amount not greater than one hundred percent of the: (1) estimated cost of materials and (2) estimated cost of installation of the required public landscaping and public infrastructure improvements. The amount of any partial release shall be in an amount commensurate with the estimated proportionate share of public improvements completed as of the date of the request, as determined by the City Engineer or designated representative, following an on-site review of the project. Requests for partial releases shall be made not more frequently than thirty days and shall be authorized in writing by the City Engineer or the designated representative, subject to a finding that the materials and workmanship conform to city standards and good engineering practice.

#### Section 15.04.080 Final Disposition and Release

1. At such time as all required public improvements have been completed and all outstanding fees due to the city paid, the applicant may request a final release of the improvement completion assurance. An applicant requesting final release shall submit a written notice of completion and request for release. The city may require a copy of lien releases, documentation from all suppliers of materials and sub-contractors showing that their costs have been fully satisfied, a current title report, or such other measure or report as deemed appropriated by the city as a means of determining the existence of any unreported liens upon the project.
2. Following receipt of the notice of completion and request for release, the City Engineer or the designated representative, following an on-site review of the project, shall prepare a report setting forth the condition of the public improvements. If the final inspection report specifies corrections of the improvements, corrections shall be completed within 30 days or the City Council may deem the applicant in default. When all improvements are approved by the City Engineer or designated representative, the final report shall be submitted to City Council for review.
3. If the condition of the public improvements is found to be satisfactory; all liens have been released; all outstanding fees, costs of administration and reimbursement payments to prior developers (if any) have been made; and the project clean-up is found to be satisfactory then the City Council shall act to accept the public improvements and authorize release of the remainder of the improvement completion assurance, except such portion of said assurance intended to be applied as part of the improvement warranty.
4. Upon issuance of the notice of acceptance of the public improvements and release of the improvement completion assurance relating thereto, the city shall be deemed to have assumed title to the public improvements.

5. The city may initiate the final release and acceptance prior to the end of the improvement assurance period without receipt of a request from the applicant, subject to a finding that construction of the public improvements has been completed in accordance with city standards or that early activation of the public improvements is necessary to provide access, circulation and/or utility or fire service to adjacent properties.

#### Section 15.04.090 Improvement Warranty Amount

Concurrently with the final release of the improvement completion assurance and acceptance of the public improvements by the city council, an improvement warranty shall be established. The amount of the improvement warranty shall be in the amount of up to ten percent of the lesser of the (1) cost of completion as determined by the city engineer pursuant to 17.9.302 or (2) applicant's reasonable proven cost of completion.. The improvement warranty shall serve to ensure the durability of the constructed public improvements during the improvement warranty period.

#### Section 15.04.100 Length of Improvement Warranty Period

The length of the improvement warranty period shall be no later than one year after the city's acceptance of required infrastructure unless the city determines, for good cause, that the one-year period would be inadequate to protect the public health, safety, and welfare and has substantial evidence, on the record, of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the city has not otherwise required the applicant to mitigate the suspect soil.

If, during the improvement warranty period, the quality of materials and workmanship of the public improvements is found to be satisfactory, the improvement warranty shall be released in accordance with the procedure set forth in Section 17.9.400. If, however, during the improvement warranty period the quality of materials or workmanship of the public improvements fail in any material respect, or if it becomes evident that certain work was not completed or that the public improvements do not otherwise comply with the city's written standards for design, material, and workmanship, said condition shall be corrected by the applicant. If the durability inspection report specifies corrections of the improvements, corrections shall be completed within 30 days or the City Council may deem the applicant in default and use the improvement warranty funds to defray the cost of any required work.

#### Section 15.04.110 Release of Improvement Warranty

1. At the conclusion of the improvement warranty period, the City Engineer or the designated representative, following an on-site review of the project and a finding that the quality of construction and materials have endured without evidence of poor workmanship or materials, nonconformance of the city's written standards, or need for remedial action, shall prepare a report setting forth the condition of the public improvements.

2. When all improvements are approved by the City Engineer or designated representative, a durability report shall be submitted to city council for review.
3. The City Council may authorize the release of the improvement warranty.

#### Section 15.04.120 Default

Where, in the opinion of the City Council: (1) a developer fails or neglects to satisfactorily install the required public landscaping or public infrastructure improvements within the required time frame or make required correction thereto, or (2) fails to pay all liens in connection with said public improvements, or (3) fails to make payment to the city for reimbursement charges for public improvements previously installed by others, or (4) otherwise fails to carry out the activity for which the improvement completion assurance or improvement warranty was required, the City Council may, after due notice on the matter, declare the improvement completion assurance forfeited. Upon issuance of a declaration of forfeiture, the city shall notify the issuer of the improvement completion assurance and upon receipt of the funds held by the issuer, proceed to install or repair or cause to be installed or repaired, the required but uncompleted or unsatisfactory public improvements. Provided, however, that the city shall not be responsible for work beyond the limits of the improvement completion assurance or improvement warranty amount. Any portion of the improvement completion assurance or improvement warranty remaining after completion of the required public improvements shall be returned to the issuer.

#### Chapter 15.04.130 Actual Construction of Improvements in Lieu - Timeframe

As an alternative to posting an improvement completion assurance, as identified under Section 17.9.100, the city council may authorize the actual construction of required public improvements in-lieu of posting an improvements construction guarantee. All required public infrastructure improvements shall be completed prior to any plat recordation or building permit issuance. Additionally, city and developer shall enter into a development agreement that includes the following:

1. Proof of developer's ownership of the land in question;
2. A commitment from the developer that construction of the required public improvements will commence immediately following approval;
3. A commitment from the developer that construction of the required public improvements will be diligently pursued to completion within the time frame authorized under Section 17.9.601;
4. A schedule showing the expected time frame for constructing the public landscaping and public infrastructure improvements;
5. Submittal of a blanket easement over the entire project area authorizing the installation of required public improvements in the locations shown on the approved final plat and engineering drawings;
6. A finding by the council that the developer has sufficient financial resources to accomplish the construction of the required public improvements within the time frame

outlined in the development agreement. Further, the developer shall complete the following:

- a. Actual payment of the portion of the improvement completion assurance amount attributable to costs of inspection, clean-up, reimbursement of prior constructed public improvements, and other city costs.
- b. Actual payment of the improvement warranty..
- c. An acknowledgment from the developer that failure to complete the required public improvements within the time frame set forth in this title, or to request and receive approval of an extension of time to complete the public improvement, shall constitute grounds for termination of all previous approvals.
- d. Obtain a land disturbance permit.

#### Section 15.04.140 Time for Construction of Required Improvements In Lieu

1. The maximum period of time for which the council's approval action of a subdivision or other development project which includes the sale of individual parcels and requires recording at the office of the county recorder shall remain valid (delay-in-recording period) not more than two hundred seventy days from the date of action by the City Council. An extension of the time, not to exceed ninety days may be granted by the City Council provided:
  - a. Application is made by the developer and submitted sixty days prior to the end of the two hundred seventy day period; or
  - b. The City Council finds that the developer has been delayed by circumstances beyond control.
2. At the end of the approved delay-in-recording period and any extensions which may have been granted, the city may declare the project a dormant project and proceed to terminate approval as provided under **Section 17.9.700.**

#### Section 15.04.150 Dormant Project

In the event that the developer, after receiving final approval by the land use authority and shall fail to complete construction of the required public improvements pursuant to the provisions of Section 17.9.601 and fails to post an improvement completion assurance, or fails to request and receive approval of an extension, the city council may declare the project a dormant project and thereafter act to rescind prior approval actions and take such other action as it deems appropriate in order to protect the public interest, including but not limited to one or more of the following:

1. For subdivision projects granted final plat approval, but not yet recorded at the Office of the Utah County Recorder: By enactment of a motion of the city council to reconsider and rescind approval of the Development Review Committee;
2. For subdivisions, PUDs, condominium projects and similar projects granted final approval and recorded at the office of the Utah County Recorder:

- a. If covered by a development agreement permitting vacation: By commencement of plat vacation procedures as set forth in state law and enactment of an ordinance rescinding the approval, where appropriate.
- b. If recorded without a development agreement: By recording of a notice of interest relating to each parcel to the effect that approvals have expired and no building permit will be issued for lots on unimproved streets.

#### Section 15.04.160 Improvement Completion Assurance – City Right-of-Way

1. The format for securing the improvement completion assurance for a single public rights-of-way permit shall be per **Section 17.9.200**. Amount of said improvement completion assurance shall be a minimum of two thousand dollars. Following receipt of the notice of completion and request for release, the City Engineer or the designated representative, following an on-site review of the project, shall prepare a report setting forth the condition of the public landscaping and infrastructure. One half of the improvement completion assurance shall be released upon initial completion with the remaining balance of not less than \$1,000 being held as an improvement warranty pursuant to section **17.9.400**.
2. In the event that an entity, contractor, franchise utility, or other party providing an improvement completion assurance for work in city rights-of-way wishes to secure sufficient assurance with the city to provide for multiple projects, said applicant shall provide an improvement completion assurance in the amount not less than five times the minimum assurance amount to secure permission for an ongoing improvement completion assurance pursuant to **Section 17.9.200**. This assurance will allow the applicant to complete multiple projects with a single improvement completion assurance. Additional bonds may be required for each project exceeding the minimum amount.
3. This assurance shall then serve as sufficient guarantee to allow the applicant to continue work in the city streets until such time as release is requested and all warranty period have passed for work completed under said assurance, or when the city exercises the assurance to complete or remediate work or workmanship. The City Engineer or designated representative shall be the authority determining release and/or calls for performance assurance funds associated with city rights-of-way permitting and work remediation.
4. In the event a street excavation permit is associated with a development project for which an improvement completion assurance has been provided, the primary means of guarantee for the work in city rights-of-way shall be the amounts secured by the development to ensure completion of the project per **Section 17.9** of the City Code.



## CHAPTER 15.05 PUBLIC IMPROVEMENTS REQUIRED

### Section 15.05.010 Policy.

Minimum level of improvements Policy. Each lot or parcel which is or is proposed to be occupied as a dwelling, commercial or industrial project shall be served by a full level of urban improvements (full lot improvements). Said full lot improvements shall consist of paved street, sewer, culinary and pressurized irrigation, curb, gutter, sidewalk, piping of irrigation ditches, storm water drainage facilities and conveyance of right-of-way area to accommodate placements of improvements where applicable.

### Section 15.05.020 Undeveloped Parcel

No building permit shall be issued for the construction of a new dwelling or commercial or industrial use or structure which is to be located on an unimproved or partially unimproved lot or parcel unless said lot or parcel shall be: (1) fully improved as defined under Section 15.05.010, or (2) eventual construction of any absent lot improvements is secured through the posting of a performance guarantee as provided for under **Chapter 17.9 of this code.**

### Section 15.05.030 Developed Parcel

No building permit shall be issued for the construction of a major expansion of an existing dwelling or commercial or industrial use or structure which is located on an unimproved or partially unimproved lot or parcel unless said lot or parcel shall be: (1) served by full lot improvements as defined in Section 15.05.010, or (2) eventual construction of any absent improvements is secured through the posting of a performance guarantee as provided for under Chapter 17.9 of this code.

1. For purposes of application of this provision, a major expansion shall be deemed to include one or more of the following:
  - a. The addition of an additional story to the existing structure that increases the habitable area of the structure in an amount greater than twenty-five percent of the main floor area. Provided, that this provision shall not be applicable in the instance of an interior finish permit for a pre-existing residential basement.
  - b. The construction of improvements to the existing primary structure and /or addition or improvement of accessory buildings wherein the estimated cost of the proposed improvements is more than five times the estimated cost of the required full lot improvements required under paragraph A.
  - c. The proposed activity on site constitutes a change in use or is sufficient in scope to require submission and approval of a site plan by the planning commission.

## CHAPTER 15.06 LIFT STATIONS AND FORCE MAINS

### Sec 15.06.010 Definitions

1. Lift station means a sewer pumping facility greater than three horsepower or serving more than one residential or commercial unit that takes the place of the gravity flow sewer system.
2. Force main means a principal conduit through which water is pumped as distinguished from one through which it flows by gravity.
3. Gravity flow sewer means the part of the wastewater system that uses gravity, as opposed to lift stations, pumps, or pressure lines, to transport sewage.
4. Sewage means any liquid or water-carried industrial or sanitary wastes, whether treated or untreated, including polluted heating and/or cooling water from dwellings, commercial buildings, industrial facilities and institutions, that is contributed or permitted to enter the public sewer system.
5. Sewer means a pipe or conduit that collects and carries wastewater.
6. Ejector pump means a mechanical unit through which sewage is lifted to an elevation where gravity flow sewer is available.

### Sec 15.06.020 Private Lift Station - Permission And Liability

1. Lift stations will be permitted only when gravity sewer to the property being served is unobtainable, as determined by the public works director upon recommendation of the city engineer and as approved by the city council.
2. No lift stations and/or force main shall be permitted where installation is not in compliance with the City's Sanitary Sewer Master Plan.
3. Lift stations shall not be allowed as part of any development or real property in American Fork, regardless of the number of units or type of development being constructed or other constraints including offsite improvements, without the city's expressed written approval granted by the city council. The director of public works, in coordination with the city engineer, shall review all proposed lift stations and provide his/her recommendation to the city council for its consideration prior to approval of any submittal.
4. In the event a private lift station and/or force main is permitted on private property, the lift station shall not be dedicated to the city and will not be owned, maintained, or operated by the city.
5. No lift stations or force mains shall be permitted in the public right of way or public easement, including public utility easements.
6. In the event a private lift station is permitted, any and all damages resulting from said lift station, including, but not limited to, overflows, spills, and backflows, are the responsibility of the owner/applicant. Overflows, spills and backflows shall be subject to fines, penalties or regulatory enforcement by the city.

### Sec 15.06.030 General Requirements

1. All lift stations and connecting infrastructure shall be private. If a private lift station is approved by city council, all drainage/flow to the lift station shall result from private infrastructure. No public infrastructure shall supply sewage either to or from a private lift station.
2. All connections into the city's public infrastructure shall occur through a privately owned gravity flow sewer.
3. All lift stations shall be below grade with no less than duplex submersible pumps operating in a lead-lag configuration such that the pumps alternate after each pump cycle.
4. Each lift station shall have an above-grade access hatch of a size, configuration, and elevation that is readily accessible for a human being and suitable for easy installation and removal of the pumps. The hatch shall be designed and located such that surface water flow cannot enter the lift station.
5. All pumps shall be able to pass a three-inch diameter solid.
6. The lift stations shall be made of fiberglass, or other material approved by the city engineer.

### Sec 15.06.040 Design Requirements

1. The owner/applicant shall furnish and install the entire lift station/force main system. The system shall be designed, at the sole cost and expense of the owner/applicant, by an engineer licensed in the State of Utah. The design must be reviewed and approved by the city engineer. The designer shall consult with the city engineer during the design of the system.
2. Development and design plans shall provide the following:
  - a. Connection to the city's infrastructure through a privately-owned gravity flow sewer line;
  - b. Design calculations, including pump curves, showing the pump and system head curves;
  - c. Private infrastructure plan, including delineation of the basin and sub-basins that drains to the lift station, along with contours and projected flow calculations;
  - d. Details of the lift station installation including grades, materials of construction, control systems, etc.;
  - e. Plan and profile views;
  - f. Electrical supply and control diagrams showing all electrical requirements, as well as control logic diagram (or a written description of the control logic);
  - g. Site plan showing finished grade contour lines (two-foot intervals) in and around lift station and access road and all existing and proposed utilities; and
  - h. Any other specifications and details reasonably required by the city engineer.

## Sec 15.06.050 Safety Requirements

1. Lift stations shall have the following:
  - a. Fenced area eight-foot-high fabric nine-gauge wire (chain-link type) with top rails and bottom tension wires; three strands barbed wire at top on angled extension arms; posts embedded in a minimum of three-feet of concrete; posts are to be spaced a maximum of ten feet apart;
  - b. Fourteen-foot wide gate on four-inch diameter posts;
  - c. High pressure sodium security light on twenty-foot pressure treated pole with automatic eye;
  - d. The wetwell shall be sized to prevent excessive cycling of the pumps.
  - e. Hatch doors shall be sized by the pump supplier to allow adequate clearance to easily remove the pumps;
  - f. The force main must have a cutoff valve positioned after the check valve pit.
  - g. No conduit runs or junction boxes are to be installed inside or on top of wet well.
  - h. Lift stations shall have factory-installed hour meters to show pump's running times to the tenth of an hour.

## Sec 15.06.060 Maintenance

1. Lift stations shall be operated under the direction of a certified Wastewater Collection Systems Operator Grade II or higher. The current name and contact information of the systems operator acting as the direct responsible charge shall be on file with the city, and shall be accessible at all times. The lift station and/ or force main shall be inspected by a qualified contractor no less than quarterly. Based upon system design and capacity, more frequent inspections may be required.
2. A record of all inspections shall be maintained.
3. All inspection records and logs shall be provided to the city upon request and no later than December 31 of each year.

## Sec 15.06.070 Warning System And Emergency Response

1. An emergency action plan shall be established by the owner/applicant of the lift station.
2. Lift stations shall be equipped with a remote telemetry unit to establish radio based telemetry communication data connection twenty-four hours per day to be monitored by a certified Wastewater Collection Systems Operator Grade II or higher. The name and contact information for the qualified contractors(s) shall be provided to the city.
3. Lift stations shall have an electrical panel containing an audible alarm, flashing light alarm, and lightning arrestor.
4. Alarm parameters for each lift station shall include a loss of communication, power failure, high levels in the wet well and if pump run time is longer than programmed.

5. An emergency generator or power supplied from two independent sources with automatic switchover capability. All gasoline or diesel powered emergency generators shall have secondary containment to protect against releases of fuel.

## CHAPTER 15.07 Historic Preservation.

### Section 15.06.010 Title.

The provisions codified in this chapter shall be known and may be referred to as the historic preservation ordinance.

### Section 15.06.020 Purpose and Intent.

The city recognizes that the historical heritage of the community is a valued and important asset. It is therefore the purpose and intent of American Fork City to identify, preserve, protect and enhance historic and prehistoric areas, buildings, structures, properties, heritage trees, sites, objects, and districts lying within the jurisdictional limits of the city. The requirements are intended to:

1. Preserve historic and prehistoric properties and buildings and related structures of historic and architectural significance; and
2. Allow improvements to existing and related structures or new construction to be conducted without destroying or damaging the historic character of said site, district or neighborhood.

### Section 15.06.030 City Historic Properties.

1. The historic preservation commission shall designate historic areas and buildings as city historic properties as a means of providing recognition to, and encouraging the preservation of, historic locations in the community.
2. Any building, structure, object or site meeting the following criteria is hereby designated as a city historic property:
  - a. It is located within the official boundaries of the city; and
  - b. Was originally constructed prior to 1950 or otherwise designated by City Council.
3. If a city historic property is to be demolished the following procedure shall be used to document the property's history and physical appearance before a permit is issued for such action:
  - a. The city building department shall delay issuing a demolition permit until the applicant has submitted to the historic preservation commission two copies of the

documentation required herein. The historic preservation commission shall review the documentation within thirty days.

- b. Required documentation will include, at a minimum, the following: (a sample of required documentation is available from the city building inspection department)
  - i. At least one photo of each outer façade of the historical building(s) on site.
  - ii. At least two photos of the real property on which any historical building is situated, consisting of at least one view of the building and surrounding property from the public or private street or lane in which the building fronts.
  - iii. Exterior and interior measurements of the building and a scaled floor plan of the interior of the building (showing walls, windows, doorways, and fireplaces).
  - iv. A history of the property and site, including the date that the historic building(s) was first constructed, who built the building(s) and the name of its first occupant(s) if it served as a dwelling, and known uses of the property and site since they were developed and/or built, if this historical information can be obtained with reasonable diligence.
- c. The historic preservation commission may require other documentation that will otherwise preserve a record of the property and that can reasonably be obtained.
- d. Once the required documentation has been completed and provided to the historic preservation commission, and accepted thereby as meeting the minimum requirements set forth in subsection B.2. above, the historic preservation commission shall provide the applicant with written acceptance thereof for presentation by the applicant to the city's building inspection department in connection with the request for the demolition. The city building inspectors shall monitor and enforce compliance to approved permits.
- e. In the event the historic preservation commission deems the documentation provided by the applicant to be incomplete, the applicant may appeal such finding to the city administrator or his designee.
- f. The documentation will be kept in the historic preservation commission's historic properties files, which shall be kept in a secure location. The commission shall develop rules and regulations governing the manner and mode of dissemination of the documentation. The policies shall ensure that the documentation is

preserved and protected from physical abuse or misuse. The files are open and available to the public.

#### Section 15.06.040 City Historical Sites.

1. The historic preservation commission shall designate historic properties to the Historic Sites List as a means of providing recognition to, and encouraging the preservation of, historic properties in the community. The city council may designate by resolution or ordinance a structure as a structure of local historical significance.
2. Criteria for designating properties to the City Historic Sites List. Any district, building, structure, object or site may be designated to the historic sites list if it meets all the criteria outlined below:
  - a. It is located within the official boundaries of the city;
  - b. It is at least fifty years old; and
  - c. It contains historic integrity. Historic integrity is defined as:
    - i. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, and additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
    - ii. If the property does not meet the integrity requirements outlined in subsection 3.a. above, it may still qualify for designation if it meets one of the following requirements for exceptional significance:
      1. It is directly associated with events of historic significance in the community;
      2. It is closely associated with the lives of persons who were of historic importance to the community; and
      3. It exhibits significant methods of construction or materials that were used within the historic period.

3. Designation procedures. Any person, group, or government agency may nominate a property for listing in the City Historic Sites List. The nomination and listing procedures are as follows:
  - a. The nominating party shall submit to the historic preservation commission a fully completed nomination form.
  - b. Notice of the nomination shall be provided to the property owner of the nominated property at least ten (10) days prior to consideration at the historic preservation commission meeting. The ten (10) day notice requirement may be waived at the option of the property owner.
  - c. The historic preservation commission shall notify the nominating party, either orally or in writing, at least ten (10) days prior to the meeting that the nomination will be considered, and will place that item on the agenda posted for said meeting. The ten (10) day notice requirement may be waived at the option of the nominating party.
  - d. The historic preservation commission will review the nomination form for completeness, accuracy and compliance with the criteria for designating properties to the City Historic Sites list and will make its designation accordingly.
  - e. In the event that a property is designated as a City Historic Site, the Historic Preservation Commission shall notify the property owner in writing within sixty (60) days of its designation and record the designation with the Utah County Recorder's Office within ninety (90) days of its designation.
4. Appeal Procedures.
  - a. A property owner may appeal the Historic Site designation made by the historic preservation commission to the city council. Such appeal shall be made in writing by fully completing the designation appeal form provided to the property owner.
  - b. Upon receipt of the completed appeal form, City Council will place the item on the agenda for review within forty-five (45) days.
  - c. City Council will review the documentation provided, hear from the impacted parties and make its decision accordingly.

#### Section 15.06.050 Results of Designation to the Historic Sites List

1. Owners of officially designated historic sites may obtain a historic site certificate from the historic preservation commission. The historic site certificate contains the historic



name of the property, the date of designation, and signatures of the mayor and the historic preservation commission chairperson.

2. All owners of properties on the city historic sites list who are planning to obtain a building permit to significantly change the building structure, build an addition or to obtain a demolition permit to destroy a building shall be required by the city building department to obtain a review of the proposal with a voting majority of the historic preservation commission about the standards for rehabilitation and design (see Section 15.20.100) before submitting an application. (The purpose of this review is to discuss other building alternatives to preserve the historic integrity of the historic site.) Following the review with the historic preservation commission, the applicant will receive a written decision, within three working days, to submit with their application. The planning department and planning commission will utilize the standards in Section 15.20.100 in their approval of these applications.
3. All owners of properties on the city historic sites list who are planning a development proposal shall be required by the city planning department to obtain a review of the proposal with a voting majority of the historic preservation commission about the standards for rehabilitation and design Section 15.20.100 before submitting an application. (The purpose of this review is to discuss other building alternatives to preserve the historic integrity of the historic site.) Following the review with the historic preservation commission, the applicant will receive a written decision, within three working days, to submit with their application. The planning department and planning commission will utilize the standards in this Chapter in their approval of these applications.
4. If a property on the city historic sites list is to be demolished or extensively altered beyond the standards for rehabilitation and design, the following procedure shall be used to document the property's history and physical appearance before a permit is issued for such action to take place.
  - a. The city building department shall delay issuing a demolition or building permit until the applicant has submitted to the historic preservation commission two copies of the documentation required herein. The historic preservation commission shall review the documentation within thirty days.
  - b. Required documentation will include the following (a sample of required documentation is available from the city building inspection department):
    - i. At least one black and white or color photo of each outer façade of the historical building(s) on site.
    - ii. At least two black and white or color photos of the real property on which any historical building is situated, consisting of at least one view of the

building and surrounding property from the public or private street or lane in which the building fronts.

- iii. Exterior and interior measurements of the building and a scaled floor plan of the interior of the building (showing walls, windows, doorways, and fireplaces).
  - c. In addition, the applicant is required to provide a history of the property and site—including the date that the historic building(s) was first constructed, who built the building(s) and the name of its first occupant(s) if it served as a dwelling, and known uses of the property and site since they were developed and/or built if this historical information can be obtained with reasonable diligence.
  - d. If the historical information is unattainable with reasonable diligence and the applicant fails to satisfy the historic preservation commission's standards for historical documentation, the Commission shall have an additional thirty (30) days from the time of review to compile the historical documentation if it so desires.
  - e. Once the required documentation has been completed and provided to the historic preservation commission, and accepted thereby as meeting the minimum requirements set forth in subsection D.2. above, the historic preservation commission shall provide the applicant with written acceptance thereof for presentation by the applicant to the city's building inspection department in connection with the request for the demolition or building permit. The city building inspectors shall monitor and enforce compliance to approved permits.
  - f. In the event the historic preservation commission deems the documentation provided by the applicant to be incomplete, the applicant may appeal such finding to the city administrator or his designee.
  - g. The documentation will be kept in the historic preservation commission's historic site files at the American Fork Library.
5. City historic sites list—Removal of properties. Properties which, in the opinion of the historic preservation commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the committee.

#### Section 15.06.070 City Historic Site List – Removal.

At the request of the Historic Preservation Commission or the property owner, the City Council may remove a property from the City Historic Sites List. Prior to such removal the following must occur:

1. The action item must be placed on a City Council agenda within forty-five (45) days of the request;
2. The property owner and the Historic Preservation Commission shall be given an opportunity to be heard by City Council;
3. City Council shall make a determination that the property no longer meets the criteria for eligibility.

#### Section 15.06.080 City Historic Landmark Register.

Significant historic properties may be designated to the city historic landmark register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

#### Section 15.06.090 City Historic Landmark Register – Criteria for Designation.

Any district, building, structure, object or site may be designated to the city historic landmark register if it meets all the criteria outlined below:

1. It is located within the official boundaries of the city.
2. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
  - a. Be associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation;
  - b. Be associated with the lives of persons significant to the history of the City, State, or Nation;
  - c. Embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
    - i. Have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).

#### Section 15.06.100 City Historic Landmark Register – Designation Procedures

1. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the historic preservation commission chairperson. The letter must identify the property by its address and historic name, give the date the

property was listed in the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by commission members, private citizens, local officials or others regarding designation of the property.

2. Upon receipt of the written request for designation, the historic preservation commission chairperson shall arrange for the nomination to be considered at the next commission meeting, which shall be held at a time not to exceed thirty days from the date the request was received.
3. The decision by the commission shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the city historic landmark register (Section 15.20.070). The historic preservation commission shall forward its recommendation in writing to the American Fork City Council within fourteen days.
4. The American Fork City Council may, by approval and passage of an appropriate resolution, designate properties to the city historic landmark register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of the ordinance codified in this chapter.
5. After a property has been formally designated to the city historic landmark register, the designation may be amended or rescinded in the same manner as the original designation was made.
6. Upon official designation, the historic preservation commission shall record the designation with the county recorder's office to indicate such designation on the official title thereof.

#### Section 15.06.110 City Historic Landmark Register – Results of Designation

1. Properties designated to the city historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
2. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements of the Uniform Building Code, which deals with historic buildings, or the Uniform Code for Building Conservation, a special code for existing buildings.
3. Proposed repairs, alterations or additions to city historic landmarks are subject to the review of the American Fork Historic Preservation Commission and the subsequent review and approval of the American Fork City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.

- a. All owners of properties on the city historic landmark register who are planning to obtain a building permit to significantly change the building structure, build an addition or to obtain a demolition permit to destroy a building shall be required by the city building department to obtain a review of the proposal with a voting majority of the historic preservation commission about the standards for rehabilitation and design (See Section 15.20.100) before submitting an application. (The purpose of this review is to discuss possible tax credits and other building alternatives to preserve the historic integrity of the historic landmark.) Following the review with the historic preservation commission, the applicant will receive a written decision, within three working days, to submit with their application. The building department will utilize the standards in Section 15.20.100 in their approval of these applications.
- b. All owners of properties on the city historic landmark register who are planning a development proposal shall be required by the city planning department to obtain a review of the proposal with a voting majority of the historic preservation commission about the standards for rehabilitation and design (See Section 15.20.100) before submitting an application. (The purpose of this review is to discuss possible tax credits and other building alternatives to preserve the historic integrity of the historic landmark) Following the review with the historic preservation commission, the applicant will receive a written decision, within three working days, to submit with their application. The planning department and planning commission will utilize the standards in Section 15.20.100 in their approval of these applications.
- c. The historic preservation commission's review and recommendation together with the application shall be forwarded within three days after a recommendation has been issued to the American Fork City Council for its consideration in reviewing the applications. The recommendation must indicate which of the standards the historic preservation commission's decision was based on and, where appropriate, a brief explanation.
- d. The American Fork City Council shall schedule the matter for its next regularly scheduled city council meeting and upon review of the historic preservation commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "certificate of historical appropriateness" which authorizes the building or demolition permit to be issued or the planning proposal to be approved.
  - i. If a city historic landmark is approved by the city council to be demolished or extensively altered beyond the standards for rehabilitation

and design (see Section 15.20.100), the following procedure will be used to document the site's history and physical appearance before a permit is issued for such action to take place.

- ii. The city building inspection department shall delay issuing a demolition or building permit until the applicant has submitted to the historic preservation commission two copies of the documentation required herein. The commission shall review the documentation within thirty days.
- iii. Required documentation will include, at a minimum, the following (a sample of required documentation is available from the city building inspection department):
  1. At least one black and white or color photo of each outer façade of the historical building(s) on site.
  2. At least two black and white or color photos of the real property on which any historical building is situated, consisting of at least one view of the building and surrounding property from the public or private street or lane in which the building fronts.
  3. Exterior and interior measurements of the building and a scaled floor plan of the interior of the building (showing walls, windows, doorways, and fireplaces).
  4. In addition, applicant is required to provide a history of the property and site—including the date that the historic building(s) was first constructed, who built the building(s) and the name of its first occupant(s) if it served as a dwelling, and known uses of the property and site since they were developed and/or built if this historical information can be obtained with reasonable diligence.
    - a. If the historical information is unattainable with reasonable diligence and the applicant fails to satisfy the historic preservation commission's standards for historical documentation, the Commission shall have an additional thirty days after review of the submitted property history to compile the historical documentation.
4. Once the required documentation has been completed, provided to the historic preservation commission, and accepted thereby as meeting the minimum requirements set forth in in this chapter, the historic preservation commission shall provide the applicant with written acceptance thereof for presentation by the applicant to the city's building

inspection department in connection with the request for the demolition or building permit. The city building inspectors shall monitor and enforce compliance to approved permits.

5. In the event the historic preservation commission deems the documentation provided by the applicant to be incomplete, the applicant may appeal such finding to the city administrator or his designee.
6. The documentation will be kept in the historic preservation commission's historic site files, which shall be kept in a secure location. The historic preservation commission shall develop rules and regulations governing the manner and mode of dissemination of the documentation. The policies shall ensure that the documentation is preserved and protected from physical abuse or misuse. The files shall be open and available to the public

#### Section 15.06.120 City Historic Landmark Register – Removal of Properties.

At the request of the Historic Preservation Commission or the property owner, the City Council may remove a property from the City Historic Landmarks Register. Prior to such removal the following must occur:

1. The action item must be placed on a City Council agenda within forty-five (45) days of the request;
2. The property owner and the Historic Preservation Commission shall be given an opportunity to be heard by City Council;
3. City Council shall make a determination that the property no longer meets the criteria for eligibility.

#### Section 15.06.130 Standards for Rehabilitation and Design Guidelines in American Fork City

1. The following standards and guidelines shall be used by the city building department, city planning department and historic preservation commission in determining the historic appropriateness of any application pertaining to city historic sites and landmark properties, including structures and surrounding landscaping. The commission shall apply these provisions in furtherance of the city's best interests and those of the property. In addition, the commission may develop and implement further historic design review standards.
  - a. If a property is to be used for a new purpose, efforts should be made so that changes to the exterior of the building and its defining characteristics be minimal.
  - b. The historic character of a property should be retained and preserved.
  - c. Each property should be recognized as a physical record of its time, place, and use.

- d. Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques that characterize a property should be preserved.
  - f. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials.
- 2. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials.
- 3. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used if it can reasonably be avoided. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - a. New additions, exterior alterations, or related new construction should not destroy historic character of the property.
- 4. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property, and
  - a. Avoid demolition of landmark and contributing buildings where possible. They are a finite resource and cannot be replaced.
  - b. Vacant buildings should be weather-proofed and vandal-proofed in order to minimize further deterioration and the threat to public safety.
  - c. Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings.
  - d. Height, width, setback, roof shape, and the overall scale and massing of new buildings should be compatible with surrounding historic buildings and the overall streetscape.

#### Section 15.06.140 Enforcement

- 1. City building inspectors shall monitor and enforce compliance to approved permits.
- 2. A violation of any provision of this chapter shall be subject to criminal prosecution as a Class B misdemeanor, for each separate violation.
- 3. Before any city license or permit is issued to a violator they must appear before the city council to discuss the violation(s).
- 4. Decisions of the building inspector may be appealed to the city council in consultation with the city historic preservation commission.



5. Decisions of the building inspector may be appealed to the city council in consultation with the city historic preservation commission and any other city departments involved.

# TITLE 16 DEVELOPMENT

## CHAPTER 16.01 General Provisions

### Section 16.01.010 Purpose.

The purpose of this Title is to guide and regulate land development activity within American Fork City. Each development activity for which a permit or other City authorization is required shall be reviewed and acted upon pursuant to applicable requirements of this Title and other titles of the American Fork City Code. This Title is intended to supplement other titles of the American Fork City Code.

### Section 16.01.020 Conflict.

In the event of a conflict or inconsistency between the provisions of this Title and provisions elsewhere in the American Fork City Code, the more restrictive provisions shall govern.

### Section 16.01.030 Development Review Committee

1. The Development Review Committee shall be comprised of the following:
  - a. Development Services Coordinator or his or her designee.
  - b. Public Works Director or his or her designee.
  - c. Fire Chief or his or her designee.
2. At no time shall any person providing the formal review of a site plan, preliminary plan/plat or subdivision plat serve as the appointed designee to serve on the Development Review Committee charged with approving or denying said development application.
3. The Development Review Committee is hereby charged with the duties as set forth within this code.

## CHAPTER 16.02 Development Application and Review Process

### Section 16.02.010 Application Process – Generally.

In general, applications for authorization to engage in development activity shall be processed according to the following steps or procedures. In the event this Title or another title in the American Fork City Code sets forth a specific procedure for obtaining a permit, such procedure shall supersede this section to the extent of any conflict

1. **NAME OF MEETING**. Step 1 - Meet with staff to discuss the development process. Staff should explain and provide direction to appropriate ordinances, handouts, checklist and application at time of meeting. A preapplication conference with the Technical Review Committee may be arranged by request of the applicant submitted to the Development Services Department.
2. Application Submission. Step 2 - Submit an application with all project plan drawings and supporting documentation as required by this Title and/or checklist, including but not

limited to: an existing site analysis plan, vicinity plan, appropriate plats, site drawings, building elevations, floor plans, materials board, landscaping plans, site lighting plans, special reports and other supporting documents. All documentation shall be submitted **in a paper and/or digital format** as specified by the Development Services Department.

3. Staff Review. Step 3 - When a complete application is received by staff, it will be circulated to all appropriate city departments review and comment. Written comment will be provided to the applicant.
4. Comments. Step 4 - If comments/concerns are raised by various departments, the applicant will be expected to have the concerns addressed and resubmit corrected or new information as requested.
5. DRC Submission. Step 5 - If a proposed development activity can be approved administratively, the application will be submitted to the Development Review Committee for review and approval. If a proposed development activity can be approved by planning commission, it shall be submitted to the Development Review Committee for recommendation and then staff will arrange for the matter placed on the next available agenda after the Development Review Committee indicates the plan is ready for Planning Commission action. If a proposed development activity can be approved by City council, it shall be submitted to the planning commission for recommendation and then staff will arrange for the matter to be placed on the next available agenda after the Planning Commission provides its recommendation, generally only after minutes from the planning commission meeting are complete.
6. Bond. Step 6 - Prior to final plan approval, the applicant posts a bond as required by American Fork City Code, guaranteeing installation of the required improvements.
7. Recording of Plat. Step 7 - If the recording of a plat is required by this Title, the City Engineer, when satisfied the plat conforms to all engineering requirements, signs and seals the plat, prior to forwarding the plat to the Development Services Department for submittal to the final approval authority. Development Services Department staff arranges a public hearing, if necessary, in accordance with Utah Code to approve the plat.
8. Approval. Step 8 - The appropriate approval authority approves, conditionally approves or denies the plat with any modifications necessary to make the final plat conform to applicable City standards and after final approval, the plat is recorded in the office of the Utah County Recorder.
9. Permits. Step 9 - After a proposed development activity receives appropriate City approval and any applicable plats are recorded at the County Recorder's office, building permits may be issued, if necessary. The applicant shall follow approved project improvement plans. Modifications shall be submitted for review and approval prior to construction.

## Section 16.02.020 Application Expiration

1. Except as otherwise stated herein, if within twelve (12) months after an application has been submitted pursuant to the requirements of the American Fork City Code, the applicant fails to diligently pursue approval of the application, the application shall expire and any vested right to proceed with the application shall terminate.
2. Except as otherwise stated herein, if within twelve (12) months after an application has been approved pursuant to the requirements of the American Fork City Code, the applicant fails to exercise development rights authorized by such approval prior to the expiration date, the approval and associated development rights shall expire. The exercise of development rights shall be evidenced by the issuance of a building permit and subsequent commencement of construction.
3. An applicant whose application has been approved shall continually conform to all conditions of approval. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's development rights authorized by such application.
4. Upon written request of an applicant, the expiration date of an application or its approval, as the case may be, may be extended for ninety (90) days beyond the original expiration date provided that:
  - a. an application for an extension of time is submitted prior to the original twelve (12) month expiration date; and
  - b. the Planning Commission finds, based on substantial evidence placed in the record:
    - i. substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
    - ii. in the case of an unapproved application, no changes to this American Fork City Code have occurred or are being considered that may affect the application; and
    - iii. in the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the American Fork City Code.
  - c. In no case shall the time period be extended for more than twelve (12) months from the original expiration date.

## CHAPTER 16.03 SUBDIVISION REQUIREMENTS

### Section 16.03.010 Subdivision Plat Required.

No person shall subdivide any tract of land which is located wholly or in part within the limits of American Fork City, Utah, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the city, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he shall first make or cause to have made a final plat thereof which shall be in accordance with all of the requirements of this code and shall have been approved by the planning commission and city council and recorded in the office of the county recorder.

Provided, however, that land may be sold by metes and bounds without the necessity of recording a final plat if all the following conditions are met:

1. The subdivision contains less than ten lots;
2. The subdivision layout, complying with the requirements for a preliminary plan as set forth in this code, shall have been first approved in writing by the planning commission;
3. The subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the municipality;
4. The subdivision does not require the dedication of any land for street or other public purposes;
5. Each lot in the subdivision meets the frontage, width, and area requirements set forth under the zoning provisions of this code or has been granted a variance from requirements by the board of adjustment; and
6. All public improvements required under **Section 17.8.400** of this title shall have been installed or assurances given to the city that said required improvements will be installed without cost to the city as provided for under **Chapter 17.9** of this code.

### Section 16.03.020 Application Review Process.

Notwithstanding the provisions **of section \_\_\_\_\_ of the American Fork City Code**, the following steps or procedures shall be followed in order to obtain approval of a subdivision:

1. Step 1. Any person, partnership, firm, or corporation wishing to construct a subdivision with three (3) acres or more or ten (10) lots or more may first participate in a preapplication conference with the Technical Review Committee.
2. Step 2. If the proposed development is located within the high-water table area as defined in **Section \_\_\_\_\_, American Fork City Code** or is regulated by Chapter \_\_\_\_\_ of the American Fork City Code (Sensitive Lands), compliance with the same shall be presented at the time of application for a preliminary or final subdivision.

3. Step 3. A recent policy of title insurance or a preliminary title report showing that the person(s) listed as the owner(s) in the owner's dedication certificate on a plat or development have sufficient control over the premises to effectually dedicate streets within the development where required and to follow through with all other requirements of the City Code. The developer shall provide a tax clearance indicating that all taxes, interest, and penalties owing on the subject property have been paid.
4. Step 4. The developer has a preliminary plat prepared by a licensed surveyor according to City standards, and shall include a vicinity plan, drawn at a readable scale, indicating the location of property to be developed and all adjoining property under the ownership of the developer to be developed as part of a future development.
5. Step 5. Developer submits a PDF of the preliminary plat with a completed application, required fees, and all supporting documents to City staff.
6. Step 6. City staff reviews the preliminary plat for compliance with the American Fork City Code. If corrections to said plat are necessary, or if associated drawings or studies are required, such corrections shall be resolved and approved by the City Engineer and others as deemed appropriate before the plat is recorded. In any subdivision contiguous to property owned by a public entity, such entity shall be notified of the proposed subdivision and shall be invited to review the preliminary plat.
  - a. A preliminary plat application shall expire if required corrections are not re-submitted to the City within 120 days.
7. Step 7. City staff approves, conditionally approves or denies preliminary plat based upon findings that said plat does or does not comply with applicable provisions of the American Fork City Code. Preliminary approval shall expire one (1) year from the date the preliminary approval was granted unless a final plat is submitted and approved for all or a part of the subdivision. When a final subdivision does not cover the entire area included in a preliminary subdivision plat, approval of the unplatted area shall be extended to one (1) year from the date of final approval of a final plat. After expiration of the preliminary approval, no final approval shall be granted unless the developer makes a complete re-submittal including new drawings and payment of applicable fees.
8. Step 8. Developer has a final plat prepared by a licensed surveyor according to City standards and submits such plat, together with the required improvement and other drawings done by a licensed engineer, and all other supporting documents and reports, along with required fees. The developer shall provide a permanent reproducible copy on Mylar of the final proposed plat. A final subdivision application shall expire one (1) year from the date of the application unless final approval is received, or sufficient progress has been made toward final approval as determined by the Development Services Director.
9. Step 9. The City staff reviews the final plat and others as deemed appropriate.

10. Step 10. Developer posts a bond in a form approved by the City, along with a subdivision improvements agreement, guaranteeing installation of the required improvements.
11. Step 11. The City Engineer, when satisfied that the plat conforms with all engineering concerns, signs and seals the plat, prior to forwarding the plat to Development Services Department for placement on the Development Review Committee agenda.
12. Step 12. The Development Review Committee approves, disapproves, or conditionally approves the final plat with modifications as necessary to make the final plat conform to applicable City standards and after final approval, the plat is recorded in the office of the Utah County Recorder.
13. Step 13. If the final plat is approved, the City Administrator, Development Services Director, and City Engineer shall sign the Final Plat(s) upon completion of all conditions. If any conditions are attached, the Final Plat(s) or construction drawings shall be amended to reflect such changes and an accurate Final Plat(s) shall be submitted to the City, prior to signing.
14. Step 14. After the final plat is recorded, building permits may be issued for individual subdivision lots.

#### Section 16.03.030 Preliminary Subdivision Plan.

1. A preliminary subdivision plan shall be furnished for all proposed developments consisting of three (3) acres or greater or ten (10) lots or greater.
2. A preliminary subdivision plan application shall vest when:
  - a. The developer has signed an application form and submitted it to the City;
  - b. The developer has paid all application fees as evidenced by a receipt from the City; and
  - c. The developer has submitted to the City a plan, in an approved electronic format, showing the proposed development layout, drawn to scale, and the following information:
    - i. A complete and accurate legal description;
    - ii. The names and addresses of the property owner, developer, the engineer, and/or surveyor of the development, and the owners of the land immediately adjoining the land to be subdivided;
    - iii. Proposed name of the development;
    - iv. The location of the development as forming a part of the larger tract or parcel where the plan submitted covers only a part of the developer's tract;

- v. A preliminary infrastructure plan for providing necessary streets, water, sewer, storm drainage, and electrical distribution for the entire tract including the point from which said services are to be extended;
  - vi. A summary indicating the total area within the development, total area and dimensions of each lot, and proposed net density of the development;
  - vii. Any information noted as required in the American Fork City Public Works Department Development Guidelines.
- 3. Based on the size, scope or complexity of the development proposal, staff may require any other information required to ensure that the proposed project complies with applicable requirements of the American Fork City Code and standards and specifications adopted by the City.
- 4. A final subdivision plan, meeting the requirements of American Fork City Code, shall be submitted within twelve (12) months of the staff approval of the preliminary subdivision plan. If a final subdivision plan is not submitted within the required time period, the City may initiate proceedings impacting the ability to develop the property consistent with the preliminary plan.
- 5. If an applicant seeks to revise a preliminary subdivision plan, the new plan shall be subject to all new sections of the American Fork City Code and other new City ordinances in effect at that time.

#### Section 16.03.040 Final Subdivision Plan

- 7. A final subdivision plan shall be prepared for all developments which require a recorded plat as determined by the City Engineer.
- 8. A final subdivision plan application shall vest when:
  - a. The developer has signed an application form and submitted it to the City;
  - b. The developer has paid all application fees as evidenced by a receipt from the City; and
  - c. The developer has submitted to the City final drawings, in an approved electronic format. The final drawings or plans shall be reviewed, stamped and signed by a professional engineer and include the following:
    - i. Development name and the general location of the development;
    - ii. A north point and scale on the drawing and the date;
    - iii. Accurately drawn boundaries, showing the proper bearings and distances, properly tied to public survey monuments. These lines should be heavier than street and lot lines to clearly define said subdivision boundaries;



- iv. The names, width, lengths, bearings, and curve data on center lines of proposed public or private streets, alleys or easements. All proposed streets shall be named or numbered in accordance and in conformity with the street naming and numbering system of the City;
  - v. Boundaries, bearings and dimensions of all portions within the development, as intended to be dedicated to the use of the public;
  - vi. Lines, dimensions, bearings, and numbers of all lots;
  - vii. Blocks and parks reserved for any reason within the development. All lots and blocks shall be numbered consecutively under a definite system;
  - viii. Drawings showing plan layout, profile, and detailed design for sewer systems, water systems, storm systems and electrical service lines, including street lights;
  - ix. Plan, profile and typical cross-section drawings of all streets, bridges, culverts and other drainage structures;
  - x. Grading and drainage plan indicating the finished grade by solid line contours superimposed on dashed line contours indicating the existing topography for the area of the final plan. The plan shall identify natural slopes which exceed thirty percent (30%) or greater slope and include quantities of borrowed or excess material;
  - xi. All fences, barriers or landscaping as required;
  - xii. All special improvements required as conditions of development approval;
  - xiii. A final plat, meeting American Fork City Standards, prepared by a professional land surveyor.
9. Upon notice of final approval, one (1) copy of the final plat on a twenty-four (24) inch by thirty-six (36) inch mylar shall be submitted as part of the final plan approval.
10. All final subdivision plans shall reference any related previously approved preliminary subdivision plan.
11. The final subdivision plan shall conform to the preliminary subdivision plan, except in those instances where modifications have been required.

## CHAPTER 16.04 Site Plan Review

### Section 16.04.010 Procedure.

Wherever the terms of this code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions.

1. Approval. The planning commission, acting in an administrative capacity, shall have the function, duty and power to approve or deny a project site plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety, and general welfare of the citizens of the city.
  - a. The Development Review Committee shall have the function, duty and power to approve or deny a minor site plan amendment, which does not substantially alter the original site plan approved by the Planning Commission.
2. Application required. Application for site plan approval shall be submitted on forms provided by the city and shall be accompanied by maps and drawings identifying and/or providing all information set forth on the application, including, but not limited to the following:
  - a. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
  - b. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
  - c. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
  - d. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
  - e. The locations of solid waste receptacles and trash pick-up areas.
3. Appeals. Site plan appeals shall be governed as set forth in Chapter 5 herein.
4. Issuance of a permit. A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.
5. Expiration of Site plan approval. A site plan approval issued pursuant to this section shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the approval is not commenced within two (2) years of the date of the approval. Up to a twelve (12) month extension may be approved by the land use authority subject to payment of an extension fee equal to one-half of the current filing fee.

## CHAPTER 16.05 Appeals and Disputes.

### Section 16.05.010 Appeal Authority.

1. Decisions of City Staff (Department Director). Developer may appeal to the board of adjustment a decision of city staff.
2. Final Plats.
  - a. For a dispute arising from the subdivision ordinance review, subdivider may appeal to the city council a denial of the final subdivision plat.
  - b. For a dispute arising from the subdivision improvement plans, the subdivider may request, in writing, that the City assemble an appeal panel to review and approve or deny the final revised set of plans.
    - i. The appeal panel shall be comprised of one licensed engineer designated by the subdivider, one licensed engineer designated by the city, and one licensed engineer agreed upon by the engineers designated by the subdivider and the city.
    - ii. The subdivider shall pay one half of the cost of the panel and the city's appeal fee.
3. Site Plans - Generally. Developer may appeal to the city council the planning commissions denial of a site plan.
4. Site Plans – Minor Amendments. Developer may appeal to the planning commission the Development Review Committee's denial of a site plan amendment.
5. Building Division.
  - a. Zone Clearance and Land Use. The appeal authority for any determination made by the building division related to zone clearance and land use shall be the board of adjustment.
  - b. SWPPP. The appeal authority for any determination made by City staff related to a storm water pollution prevention plan shall be the planning commission.
  - c. The appeal authority for any determination made by the building division related to the International Building Code shall be as set forth in the IBC.

### Section 16.05.020 Appeal Process.

1. Except as otherwise provided, appeals regarding a decision made by City staff, the Development Review Committee or the planning commission shall be made to the Appeal Authority outlined in  , as follows:

- a. Notice of appeal shall be filed, in writing, with the City Recorder, within 30 days of the action or decision being appealed.
  - b. Notice of appeal shall specify the grounds of the appeal and circumstances related thereto. A notice failing to specify grounds of appeal may be summarily dismissed by the appeal authority, with or without prejudice.
  - c. The department or entity shall forthwith provide to the appeal authority all papers constituting the record upon which the action appealed was taken.
2. An appeal stays all proceedings in furtherance of the action appealed from unless the department or entity from which the appeal originates certifies to the appeal authority, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by way of a restraining order issued by the District Court on application and notice and on due cause shown.
3. Upon the hearing, any party or interested person may appear in person or by agent or by attorney.
4. In exercising its powers, the appeal authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have and exercise all of the powers of the original decision-making authority. The concurring vote of not less than the majority of the members of the appeal authority shall be necessary to reverse any order, requirement, decision or determination of the appeal authority, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to affect any variation in such ordinance or action taken pursuant thereto.
5. Any person aggrieved by or affected by any decision of the appeal authority may have and maintain a plenary action for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the appeal authority or with the City Recorder.

## CHAPTER 16.06 Sensitive Lands

### Section 16.06.010 Title.

This Chapter shall be known as the Sensitive Lands Ordinance of American Fork, Utah.

### Section 16.06.020 Intent.

The intent of this Ordinance is to:

1. Place the liability and expense of evaluating the condition of potentially unstable land and determining restrictions which should be placed on its development upon licensed professional geologists and/or engineers employed by the landowner;

2. Restrict the use of land to those uses which do not present unreasonable risks to persons or property because of natural geologic hazards;
3. Prevent fraud in land sales relating to the condition of real property;
4. Authorize a governmental function of regulation;
5. Protect and preserve natural features such as springs; steep slopes; and historically, archeologically, and culturally significant features and key natural habitat; and
6. Reduce impacts upon existing water rights from development activity.

#### Section 16.06.030 Purpose.

The purpose of this Chapter is to promote the health, safety, convenience and general welfare of the present and future inhabitants of American Fork City. It is the intention of the City to minimize flooding, erosion and other environmental and/or geologic hazards while ensuring the efficient expenditure of public funds, and to establish the rights, duties and responsibilities of property owners with respect to land development. The standards for development contained herein are intended specifically to accomplish the following purposes:

1. Encourage development designed to reduce risks associated with natural hazards and provide maximum safety for inhabitants.
2. Establish land use management that will allow a harmonious and satisfying residential environment.

#### Section 16.06.040 Scope and Application.

1. Jurisdiction. The provisions of this Ordinance shall apply to all lands in the City which qualify as Sensitive Lands as defined and identified pursuant to this Ordinance.
2. Application of Ordinance for New Development. No subdivision or other development plat or plan shall be approved or building permit issued without compliance with the provisions of this Ordinance. Every proposal to grade, fill, or excavate land and every proposal to erect a new structure for human habitation shall be subject to this Ordinance.
3. Application of Ordinance to lots for existing subdivisions. The provisions of this Ordinance shall be applicable to new or modified structures proposed for placement on lots in existing subdivisions or any other development projects, which have been approved prior to the adoption of this Ordinance, but are not to be retroactively imposed on existing subdivisions or structures.

#### Section 16.06.050 Disclaimer.

The degree of hazard protection afforded by adherence to the provisions of this ordinance is considered reasonable for regulatory purposes, and is based on the best available engineering and

scientific information available to the City. Larger floods than those anticipated by the Ordinance may occur, and other conditions may occur that result in flooding, earth movements, and/or water damage. High water, wetlands and geologic hazards may occur outside the boundaries of mapped areas. This ordinance does not imply that areas outside the mapped boundaries will be free from any significant natural hazard. This ordinance shall not create liability on the part of American Fork City for any damage that results from reliance on the provisions of this ordinance or any administrative decision lawfully made thereunder.

#### Section 16.06.060 Relationship to Development Code.

This Ordinance, as may from time to time be amended, shall constitute the more specific requirements to be applied wherever a project is required to accommodate natural constraints to development including, but not limited to, the provisions of **Section 3-4.3 (subdivision projects), Sections 2-6.13-H,-2, 2-6.16-F-3, 2-6.17-H-2, 2-6-18-H-2 (Large Scale Development Projects)** and similar provisions of the Development Code relating to sensitive lands.

#### Section 16.06.070 Applicability.

1. The provisions of this Ordinance shall be applicable to all lands within the City or which hereafter made part of the City through annexation which are:
  - a. Identified on one or more of the Sensitive Land Maps maintained by the City Engineer, including the following:
    - i. Depth to Groundwater;
    - ii. Liquefaction Hazard Map;
    - iii. Tentative Wetlands;
    - iv. Flood Hazard Maps
  - b. Such other lands, not shown on the Sensitive Land Maps, as may be designated as "Sensitive Lands" by action of the Planning Commission, following recommendation by the City Engineer. In support of a recommendation for designation as a Sensitive Land Area, the City Engineer, shall use any reasonable means including, but not limited to, reports provided by other governmental agencies, site visits, materials maintained in City offices and/or previous knowledge.
2. It is the determination of the City that all lands identified on one or more of the Sensitive Lands Map or determined to be Sensitive Land Area contain conditions which qualify as sensitive land under one or more of the sensitive land categories identified in this Ordinance.

## Section 16.06.080 Interpretation and Mapping.

The City Engineer shall be responsible for interpreting the Sensitive Land Maps and otherwise interpreting the provisions of this Ordinance. To facilitate implementation of this Ordinance:

1. Development Approval Required. No development located within any area identified as Sensitive Land Area shall occur without first obtaining City approval under the provisions of this Ordinance.
2. Applicant's Responsibilities. The applicant proposing development on lands identified as Sensitive Land shall be responsible for preparing a survey of the entire site, based on site-specific field surveys that precisely map and delineate the following areas:
  - a. The name, location and dimensions of affected and nearby streams, rivers, sloughs and/or natural ponds and the tops of their respective banks.
  - b. The 100-year flood plain and floodway boundaries as determined by current FEMA flood plain maps (Exhibit No. 4) or, if FEMA flood plain data are not available, based on the best available information.
  - c. The size and location of all wetlands as determined necessary by the City Engineer. Wetland delineations, whether or not determined jurisdictional, previously accepted by United States Army Corps of Engineer (COE) may be accepted by the City Engineer. Such delineations shall be valid for the period specified in that agency's administrative rules.
  - d. Existing public rights-of-way, structures, roads and utilities.
  - e. Existing and proposed contours at two (2) foot intervals (where grades are greater than ten percent (10%)) or one (1) foot intervals (where grades are lower than ten percent (10%)).

## Section 16.06.090 Presumption.

1. Conditions described on the Sensitive Land Maps or determined to be a Sensitive Land Area by the City Engineer, shall be presumed to exist.
2. Designation of a parcel as a Sensitive Land Area shall be a rebuttable presumption. The owner of any parcel which is designated on one or more of the Sensitive Lands maps adopted as a part of this Ordinance or which is otherwise determined to be Sensitive Land, who believes that the Sensitive Lands designation is inappropriate as applied to the parcel is entitled to challenge the determination of Sensitive Land or any one of the sensitive land categories made applicable to the parcel. Any appeal of a designation of a parcel as Sensitive Land shall be filed with the City Engineer prior to submittal of a request for development approval. The appeal shall include all materials and data in support of the appeal. The City Engineer shall review the material and data provided and render a decision within a reasonable time.

3. Any person aggrieved by a determination of the City Engineer shall have a right to appeal the determination in accordance with the provisions of **Section 6-4** of this Ordinance.

#### Section 16.06.100 Development Standards and Criteria

1. It shall be unlawful to grade, fill or excavate any land or to erect any structure thereupon without doing the following:
  - a. Obtaining acknowledgment from the City Engineer that any geologic/geotechnical report required by him/her pursuant to this Ordinance, has been received and reviewed and meets the necessary requirements. The giving of this acknowledgment by the City Engineer shall not be an approval of or acquiescence to the content or conclusions of the geologic/geotechnical report. A geologic/geotechnical report shall be considered part of the public record and may be copied by any person.
  - b. Grading, filling, or excavating land or erecting a structure thereupon only as described in the geologic/geotechnical report which has been acknowledged by the City Engineer.
  - c. Executing and recording the restrictive covenant required by this Ordinance. (This item does not apply if no geologic/geotechnical report is required.)
  - d. Following the standards set forth in this Ordinance as determined applicable by the City Engineer.
2. Those parts of any proposal to construct improvements including, but not limited to, dwellings and other structures intended for human occupancy or roads, sewer lines, water lines, structures or other improvements intended to be placed in public/private ownership shall be subject to the approval of the City Engineer. Construction of such improvements must comply with the following criteria:
  - a. Surface improvements shall be constructed a minimum of one (1) foot above the highest historic ground water level for the area.
  - b. The lowest portion of any structures (i.e. footings) shall be constructed a minimum of two (2) feet above the high ground water level for the area. The City Engineer may grant an exception to this requirement, where the City Engineer determines that a sufficient ground water mitigation system will be installed (i.e. footing drains connected to a subsurface drainage system). The ground surface shall be graded to drain away from the structure as set forth in the City's Building Code.
  - c. In areas determined to be high ground water areas, the lowest occupied level of a residence or other structure for human occupancy shall be constructed not less than one (1) foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot. This requirement shall apply both to lands with historic ground water levels within four (4) feet of the ground



surface and also to lands served with historic ground water drains which have maintained ground water levels below four (4) feet, but which if the drains were to become inoperative, would likely result in a return of ground water levels to within four (4) feet of the ground surface.

- d. Land drains separate from the storm drain system and owned/maintained by the home owner's association shall be constructed in areas where ground water could submerge any subsurface improvements at historic high ground water levels. The land drain shall be installed a minimum of one (1) foot below the lowest subsurface improvement and/or utility (one (1) foot of clearance between any portion of the improvement and the top of the drain), or as per exception granted by the City Engineer. Construction in such areas is subject to geotechnical and hydrologic reports.
  - e. No construction shall occur on slopes steeper than thirty percent (30%).
  - f. Irrigation water, storm drains and land drains shall all be maintained separately. Mixed use systems shall not be allowed.
  - g. No development shall be approved that interferes with adjacent or down-stream water rights, water quality, water delivery and/or water levels, without eliminating any interference or obtaining approval from all stakeholders in said water rights.
  - h. All habitable structures shall be placed one (1) foot above the level of the 100-year FEMA Flood Plain elevation.
  - i. Any structure or utility proposed for construction on any parcel located within a moderate or higher liquefiable soils zone shall provide evidence that the construction will eliminate and protect from the impacts of the liquefiable soils condition, as determined by the City Engineer.
- 3. Those parts of any proposal to develop real property that jeopardize the public's health, safety, or welfare, or significantly interfere with established long term development plans of American Fork City, shall not be approved.
  - 4. No final plat for a subdivision development or final development plans for similar development projects or building permits shall be issued until the requirements of this Ordinance are met.

## Section 16.06.110 Definitions.

The terms identified in this Chapter shall have the meaning as set forth herein.

- 1. Basement: Same as defined in the International Conference of Building Officials (ICBO) Code.
- 2. COE: The U.S. Army Corps of Engineers

3. Development: The total area of the parcel of land on which a building permit is to be issued, or the total area of property being improved
4. Drainage Ditch: Any system of canals or ditches naturally existing or constructed to carry surface and/or subsurface water, whether or not the ditches or canals carry water filed upon by individuals to be used for irrigation purposes.
5. Excavation: The mechanical removal of earth material.
6. Fill: A deposit of earth material by artificial means.
7. French Drain: A sump or trench filled with crushed rock or gravel intended to receive water discharge.
8. Geologist: A geologist experienced in the application of geologic knowledge and principles in order to evaluate naturally occurring rocks and soils for use in development, who has a minimum of a four-year degree in geology and five years of direct working experience, and is registered in the State of Utah.
9. Geotechnical Engineer: An engineer experienced and knowledgeable in the practice of soils engineering (the application of the principles of soils mechanics). Registration in Utah and a minimum of five years' experience in the geotechnical industry are minimum requirements.
10. Grading: Any excavating or filling or combination thereof, including a change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation, including clearing and grubbing and all soil treatments.
11. High Water Table Area: Any property where the ground water is less than eight (8) feet below the ground surface at any time during the year.
12. Irrigation Ditch: Any system of canals or ditches originally constructed for irrigation use and maintained primarily for that use.
13. Sensitive Lands or Sensitive Land Area: Any land area whose destruction or disturbance could affect the life of the community by either (a) creating hazards such as flooding and landslides, (b) destroying important public resources such as water supplies and water quality of lakes and rivers, or (c) wasting important productive lands and renewable resources. The term Sensitive Lands shall apply to all lands within the City boundaries which contain any of the following conditions:
  - a. Slopes of twenty five percent (25%) or greater.
  - b. Natural hazards including, but not limited to, expansive or collapsible soils, proximity to potential liquefiable or quick soils, the presence of peat, or any other unsafe geologic condition.
  - c. High ground water and wetlands.

- d. Areas with flooding potential.
  - e. Unstable slope areas.
  - f. Areas designated as Agricultural Protection Zones as authorized pursuant to the Utah State Code.
  - g. Areas containing unique stands of vegetation or historical or archeological sites.
  - h. Lands designated on the Land Use Element of the General Plan as Lake Shore Protection Areas.
  - i. Lands identified as potential sensitive lands on one or more of the adopted sensitive lands map as identified in Section 2-4 shall be deemed as sensitive lands.
14. Subsurface Drainage: Any system of pipes, canals, ditches, moats, etc. that intercept the ground water.
15. Wetlands: "Those areas that are inundated or saturated with surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (Federal Register 1986). Jurisdictional wetlands are those wetlands that are under regulatory authority of the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (COE) pursuant to Section 404 of the Clean Water Act (CWA). Such wetlands must exhibit two of the three diagnostic characteristics including hydrophytic vegetation, hydric soils, and wetland hydrology as described in the COE 1987 Wetland Delineation Manual as may be amended.
16. Any term not specifically defined herein, if not already defined within the American Fork Development Code, shall be defined pursuant to the customary and generally-accepted definitions used in engineer/geologic/construction industry.

#### Section 16.06.120 Procedure to Develop Real Property.

In order to develop real property identified as Sensitive Land, applicants must do the following.

##### 1. PRELIMINARY DETERMINATION BY CITY ENGINEER

- a. All proposals to grade, fill, or excavate land, to erect any structure which requires a building permit, seek annexation to the City, or to seek approval of a subdivision or similar development project shall be referred to the City Engineer, who shall make a preliminary determination. The preliminary delineation shall be based upon material provided pursuant to the terms of **Subsection 2-5-2** and/or other available materials or studies or on-site investigation.
- b. For purposes of this Section, all lands identified as "Sensitive Land" on one or more of the maps identified under **Section 2-4** shall be deemed as Sensitive

Land unless the area shall have been granted an exemption therefrom in accordance with the provisions of 6-4.

## 2. GEOTECHNICAL EVALUATION

- a. Where development is determined by the City Engineer or his/her designee to be proposed within an area of possible geotechnically or hydrologically sensitive soils, or as otherwise required herein, the City Engineer shall require the following further investigations and/or reports, prepared by professionals in their respective fields. Where sensitive lands are identified, a "Notice of Interest" shall be recorded on the property to be developed along with the final Geotechnical Evaluation(s) at the Office of the County Recorder.
  - i. Background Reports. To facilitate a determination of the presence of sensitive lands, an applicant for development approval of any proposed lands within the City shall submit the following background reports:
    1. A preliminary geotechnical Investigation and soils summary report from a qualified Geotechnical Engineer.
    2. An ALTA/ASCM Survey.
  - ii. Soils Investigation. A professionally prepared geotechnical report dated within 3 years of application shall be submitted which contains the following information:
    1. Nature, distribution, and classification (Unified Soil Classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten (10) feet deeper than the proposed excavations or to bedrock.
    2. Strength of existing soils, bearing capacity of supporting soils, soil settlement estimates, lateral pressures, pavement designs and trench excavation limitations.
    3. Groundwater levels that may affect development and estimated elevation of high ground water levels.
    4. Appropriate laboratory testing for classification, consistency, strength and consolidation conditions and soil liquefaction potential.
    5. Slope Stability.
    6. Potential frost action based on material type and groundwater level.
    7. Frost depth.

8. Geologic and hydrologic hazards as identified under "Geotechnical and
  9. Geological Report" (See Section 4-2-4) and "Grading and Drainage Report" (See Section 4-2-6).
  10. A verified written statement by the persons or firm preparing the geotechnical report, describing the general suitability of the site for the owner's intended use. The report shall identify soil constraints to development and shall state the professional opinion of the author as to:
    - a. The ability of the proposed development plan to mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel.
    - b. The presence of collapsible and compressible soils and recommendations for design which will serve to protect improvements including, but not limited to, utility systems and vehicular travel ways.
    - c. Adverse impact on the natural environment.
  11. Where the soils report prepared for a subdivision shows the presence of critically expansive soils, high water table, organic soils, liquefiable soils, collapsible soils, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the building from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the City.
  12. The report must be in accordance with the guidelines and recommendations of the "American Fork Sensitive Lands Geologic Hazards Study," Chapter 5 titled "Conclusions and Recommendations" prepared by RB&G Engineering, Inc. dated December 2006.
- iii. Vegetation Report. A professionally-prepared vegetation report which shows:
1. Location and identification of existing vegetation.
  2. Vegetation to be removed and the method of disposal.
  3. Vegetation to be planted to replace the amount and type being

removed.

4. Slope stabilization measures to be installed and a geotechnical evaluation of the methods suggested for the condition identified.
  5. Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, wildlife, and fire hazard.
  6. Topsoil stockpile area for restoration of topsoil following completion of construction.
- iv. Geotechnical and Geological Report. A geotechnical and geological report from a qualified Geotechnical Engineer shall be required whenever a proposed development: (a) lies within 1,000 feet of an identified fault; or (b) is located on slopes greater than twenty-five percent (25%); or (c) is determined to have potential hazards by the City Engineer or State Geologist, and (d) any proposed development greater than one (1) acre. The geotechnical and geological report shall include:
1. A geologic map showing topography, surface, and subsurface geologic features and any geologic limitations to the proposed use.
  2. Depth to existing ground water and evidence of higher ground water levels and any historic ground water drainage systems.
  3. Depth of bedrock.
  4. Geologic hazards.
  5. Ability to mitigate or eliminate geologic problems.
  6. Subsurface investigation logs and reports (the number, frequency and depth of borings performed in preparing the report shall be as determined by the City Engineer).
  7. Engineer/Geologist Qualifications and Certificate, as follows:
    - a. The Geotechnical/Geologic reports shall be approved and signed by one of the following, whose primary area of expertise is required to address the particular issue:
      - i. A geotechnical engineer who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or

- ii. A professional geologist registered in the State of Utah, who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.
- b. The Geotechnical/Geologic reports shall contain the following certificate:

#### CERTIFICATE

I hereby certify that I am a licensed professional engineer or an engineering geologist, as those terms are defined in the "Sensitive Lands Ordinance" Section of the American Fork City Ordinances. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

(Professional Stamp)

- c. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a geologic report or to sign the certificate described above knowing the same to be materially false or not true.
- d. In general, it shall be the responsibility of a qualified geologist to perform fault studies and landslide investigations, while it shall be the responsibility of a qualified engineer to prepare soils and foundation studies, particularly addressing such issues as expansive and collapsible soils, liquefaction evaluations and engineering aspects of landslide studies.
- v. Letter Report. With respect to any proposal not requiring a geologic report, the City Engineer may require the developer to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the City Engineer do not show any of the unsafe conditions described in this Ordinance. The City Engineer may withhold the determination described in this Ordinance until he has received the letter report, and based on information in the

letter report, the City Engineer may, for good cause, require the submission of a geotechnical report. A letter report is a simplified report used in relation to areas of relatively stable soil and rock. It shall contain not less than the following.

1. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property;
  2. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of this Ordinance;
  3. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing; and
  4. The original signature and the registration number and stamp of the responsible geologist or engineer, and a statement of the methods of study and approximate amount of field time spent by said geologist or engineer in the preparation of the subject letter report.
  5. The letter report shall include other information as the City Engineer shall reasonably require.
- vi. Grading and Drainage Report. A grading and drainage report which includes how storm water management, erosion, and grading plans describing the methods by which surface water, natural drainage, flooding, erosion and sedimentation loss, and hydrologic hazards will be controlled during and after construction. The plan shall include the following information:
1. The grading plan shall show present topography to include elevations, lines and grades, including the location and depth of all proposed fills and cuts of the finished earth surfaces using contour interval of two (2) feet (where grades are greater than ten percent (10%)) or one (1) foot (where grades are lower than ten percent (10%)).
  2. The proposed area to be graded shall be clearly delineated on the plan and shall clearly identify the limits of disturbance on all drawings showing grading activities.
  3. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts, and other water management or soil erosion control measures shall be shown. Drainage calculations shall determine runoff volume and peak



discharge using the "Rational Method, SCS, or Curve Number Method," or appropriate equivalent. Data provided should include:

- a. Rainfall depth, duration and distribution.
- b. Watershed slope and drainage area delineation.
- c. Land condition of watershed surface.
- d. Topography of drainage area.
- e. Description of soil conditions of watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Data to be provided should include factors of:
  - i. Rainfall depth, duration and distribution
  - ii. Soil erodibility.
  - iii. Land slope and length of slope or topography.
  - iv. Conditions of the soil surface and land management practices in use.
  - v. Surface cover, grass, woodland, crops, pavements, etc.
- f. Borings and test pit data at all proposed locations where infiltration is included in the drainage design extending to 20' below the existing surface. Percolation rates at the proposed base/bottom elevation of each proposed retention/detention ponds, sump and infiltration infrastructure shall be provided when separated by more than 100' between retention/detention areas.

#### Section 16.06.130 Wetlands Evaluation.

Where development is determined to be proposed within or near an area of potential wetlands, the City Engineer shall require the following:

1. Applicant shall contract a qualified wetland consultant to assess the property for the presence of wetlands. The COE maintains a list of consultants who are qualified to provide this service; AND
2. If the wetland consultant determines that there are no wetlands on the property, it shall prepare a letter to the COE detailing his/her findings and requesting a letter from the COE verifying that the parcel does not contain wetlands; OR

3. If the wetland consultant determines that the parcel does contain wetlands, the following process shall be adhered to:
  - a. The applicant shall contract a qualified wetland consultant to perform a wetland delineation on the property in accordance with the COE 1987 Wetland Delineation Manual. The wetland delineation report shall include a map of the property accurately illustrating the boundaries of all wetlands within the proposed project boundaries and data sheets supporting the wetland boundaries. The wetland delineation report shall be submitted to the COE Utah Regulatory Office for verification. A copy of the verification letter from the COE shall be provided to the City for the project file.
  - b. The applicant shall overlay the approved wetland boundaries onto the proposed site plans and attempt to avoid and/or minimize wetland impacts to the extent possible. The COE will require that all practicable alternatives have been analyzed. With regards to the Section 404 of the Federal Clean Water Act guidelines, for an alternative to be considered practicable it must be physically available, capable of being feasibly implemented, cost effective, not cause further damage to other environmental and socioeconomic resources, and allow the project to perform its intended purpose.
  - c. If there are unavoidable wetland impacts, a wetland mitigation plan shall be prepared by a qualified wetland consultant to compensate for the unavoidable wetland impacts. The goal of the mitigation plan shall be to replace the functional values and cumulative acreage of the wetlands lost due to project implementation. The ratio at which the impacted wetland acreage will have to be mitigated for will be determined by the COE on a project-by-project basis.
  - d. A Section 404 permit application for any unavoidable wetland impacts shall be prepared and submitted to the COE for consideration. The type of project being proposed and the amount of wetlands being impacted will determine whether the applicant will need to apply for a nationwide permit or an individual permit. Nationwide permits allow for the expedited approval of projects that involve discharge of fill into wetlands where the impact of the discharge is not considered significant or long term. Such activities include utilities, diversion structures, roads, maintaining irrigation ditches, bank stabilization, or filling very small areas of wetland. The nationwide permits change frequently, so the applicant shall check with the COE for the most recent requirements to see if the proposed project meets the criteria for any of the current nationwide permits. If the project does not meet all the criteria for one of the nationwide permits, the applicant shall apply for an individual permit.
  - e. If the COE approves the applicant's Section 404 permit, a copy of the permit shall be provided to the City for the project file. If the COE denies the applicant's permit, the applicant may appeal the decision through the proper channels at the COE, but the project will not be allowed to proceed unless the Section 404 permit is granted by the COE.

## Section 16.06.140 FLOOD PLAIN EVALUATION.

If, as determined by the City Engineer, the proposed development falls within the 100-year flood plain and floodway, the following standards must be met:

1. **Habitable Structures.** No new habitable structures shall be permitted in the flood plain. Incidental portions of structures (less than twenty-five percent (25%) of the total structure area) may lie within the flood plain so long as all habitable portions of the incidental area and surrounding ground surface are a minimum of one (1) foot above the flood plain elevation and the encroachment of the incidental area will not cause increased flooding to surrounding properties.
2. **Flood Storage Capacity.** On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on or off site.
3. **Public Facilities and Private Roads.** Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met:
  - a. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels and increased velocities within the floodway. Utilities necessary to serve permitted development, or a single-family home on a legally approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
  - b. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of flood waters into the system, and to avoid discharges from such facilities to streams and wetlands. All lids and access ports to any utility system shall be a minimum of one (1) foot above the 100-year flood plain elevation. Utility access systems within the flood plain shall be constructed such that sub-surface portions are sealed against ground water infiltration
  - c. On-site septic systems shall be prohibited in all "A" designated areas as set forth on the Flood Hazard Map.
4. **Structural Elevation Report.** An application for any substantially improved structure or manufactured dwelling within the 100-year flood plain shall include the level, referenced to mean sea level, to which the structure will be flood-proofed. The level of the lowest habitable floor, and any basement area (whether or not habitable) shall also be provided. A professional engineer registered in Utah shall prepare the structural elevation report.

## Section 16.06.150 HIGH WATER TABLE EVALUATION.

If, as determined by the City Engineer, the proposed development is within an area of possible high-water table, the following standards must be met:

1. Drainage Plans Required. A comprehensive drainage and grading plan, providing for the disposal of both ground water and storm (surface) water shall be submitted by the developer for all property within a high-water table area. A separate plan shall be required for each. Said plans shall be submitted as part of the preliminary plan materials for any residential, commercial or industrial development project or prior to the issuance of a building permit and shall be approved by the City Engineer. In addition, any grading, construction, or land use-changing activity that alters the type or nature of the existing land use shall require review and approval by the City Engineer. The plans shall be subject to the requirements listed in Sections 4-5-2 through 4-5-7:
2. Ground Water Drainage Systems.
  - a. Applicant shall submit a subsurface gravity drainage plan that transports ground water to an approved outlet and does not require ground water to be deposited, collected, or stored upon the property being developed or upon other properties within the subject area. The City Engineer may require at least one year of ground water level and velocity monitoring to determine the range of seasonal fluctuations and flow characteristics.
  - b. Ground water drainage systems shall not be used for the discharge of storm (surface) water flows.
  - c. A soil test provided by a licensed soil engineer shall accompany the drainage and grading plan for all areas in which underground private and public utilities will be installed. The engineer's report must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, lose alignment or form a barrier or artificial drain for ground water flows.
  - d. The point of discharge of any ground water drain shall be at an elevation above the observable high-water mark of the existing drain channel. The discharge facility shall include a backflow prevention device to prevent inundation during a high flow storm or irrigation event and shall be designed in a manner that allows the drain to remain operational in the event of obstruction by growth or debris in the discharge facility.
  - e. To the maximum extent possible, the discharge points of ground water drains shall be at the location of existing historic drains to maintain historic water right claims.
  - f. The design of the ground water drainage system shall not convey water under a structure on an adjacent parcel which is in separate ownership or intended for separate ownership.

- g. All ground water drains shall be constructed on lands owned by the Homeowners Association (HOA) or in easements dedicated to the HOA which are not less than twenty (20) feet in width and which restrict vegetation to shallow rooted plants and which are located to provide ready access for maintenance and upgrade.
- h. Pumping systems installed as ground water mitigation measures shall be prohibited. Provided, however, the City Engineer may approve the use a pumping system where, in the opinion of the City Engineer, no feasible alternative exists. Where the use of a pumping system is employed, a notice to the effect that a pumping system is in use on the premises shall be recorded at the office of the County Recorder.
- i. Any development project which includes the construction of a ground water drainage system shall require the establishment of a HOA or other organization for the purposes of maintaining the ground water drainage system and any other common facilities required or included in the project.
- j. A disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.
- k. Drained ground water from a proposed new development will not be placed upon or pass through other properties, except:
  - i. where a preexisting drainage system of adequate capacity is legally available for use; OR
  - ii. where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties is recorded on proper deeds in the Office of the County Recorder specifying the following:
    - 1. The City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.
    - 2. The property owner will allow the Home Owners Association or owner of the easement to enter onto said property to maintain the drainage facility on said easement.
    - 3. The drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

### 3. Storm (Surface) Water Drainage Systems.

- a. Facilities for drainage of peak storm-water drainage flows, detention and drainage routing shall conform to the Storm Drainage Element of the General Plan as directed by the City Engineer.
  - b. Pumps shall not be discharged into the street or into the sanitary sewer system; but shall require outfall into a private ditch system, if permitted by the owners thereof in accordance with the provisions of **Section 4-5-4** of this Ordinance.
  - c. Quantities of runoff shall be determined for the complete development area by the rational or other standard engineering method of run off calculation.
  - d. At all outfall points from the development, quantities of runoff for a one hundred (100) year storm shall be determined and indicated on the plan in cubic feet per second.
  - e. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for runoff. If there is an insufficient capacity to handle additional storm drain flows, it will not be used.
  - f. A topographic map shall be prepared to indicate sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than in a designated detention basin.
  - g. A plan of all proposed curbs, gutters, and cross-gutters must be submitted. Such plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow. If the gutter capacity is less than that required for a 100-year storm, storm drains will be required.
  - h. No french drains or sumps shall be allowed in the developments as part of the drainage plans on public streets. Discharges from pumps shall not be allowed to pond on property nor shall sumps be used for the disposal of water.
  - i. Retention basins or similar storm water systems without a gravity discharge will not be allowed.
  - j. Structures adjacent to detention basins shall be protected by subsurface drainage facilities approved by the City Engineer.
4. Disposal in Existing Ditches Prohibited - Exceptions. Neither ground water or storm water drainage from a proposed new development will be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in writing and recorded instruments (i.e., easements)

running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal pursuant to the following terms:

- a. Evidence of approval shall be obtained by signature from all irrigation and canal companies, if ditches or canals owned or controlled by the company cross the development areas, if surface or drainage water is to outfall into a ditch or canal owned or controlled by the irrigation company, or if modification to a ditch or canal is proposed.
- b. The City will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.
- c. The irrigation ditch or canal may be placed in a pipe or culvert at a time deemed necessary by the owner of the easement. The owner(s) of property which is the subject of a development plan may be required by the City Planning Commission to provide, and record with the County Recorder, a statement holding the City harmless from all damage within the project resulting from flooding or high-water table.
- d. Drainage easements will be granted to the HOA or other proposed owner within the proposed development, as determined by the City Engineer, and drainage facilities shall be installed as part of the development at developer's expense.

5. Basements Prohibited - Exceptions.

- a. No building containing a basement shall be allowed to be constructed on any lot which has been previously identified as prohibited by subdivision or development plat conditions in accordance with the provisions of **Section 2-7-2** and so noted in accordance with Section **6-2-2** of this Ordinance.
  - i. Basements may be allowed to be constructed on a lot in a high-water table area, subject to the following:
    1. The use of basements on the lot has not been previously prohibited by subdivision or development plat conditions and so noted in accordance with Section **6-2-2** of this Ordinance.
    2. A statement of engineering evaluations of site and groundwater conditions indicating the conditions under which a basement may be constructed, prepared by a geotechnical engineer, shall be provided to and approved by the City Engineer.
    3. Prior to the issuance of the building permit, the property

owner(s) shall produce a signed statement which has been recorded on proper deeds in the Office of the County Recorder stating that the property owner(s) agree to indemnify and hold harmless the City against any and all liability, claims, suits, losses, costs and legal fees caused by, arising out of, or resulting from flooding in a high water table area.

4. Prior to the issuance of any building permit with a basement, the developer shall submit to the City Engineer, a certificate from a registered professional engineer indicating the method of design to flood proof the basement.
6. Prior Construction of Drainage Systems Required. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in an operable condition unless a bond covering the estimated cost of the improvement has been filed with the City and a hold harmless agreement is entered into by the developer.
7. Underground Utility Construction in High Water Table Areas.
  - a. The engineering plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as a "bed" for utility lines and shall be approved by the City Engineer.
  - b. All ductile iron water mains and associated facilities shall be poly wrapped in the high-water table area. Developer shall provide at developer's expense cathodic protection on all ductile iron pressurized mains.

#### Section 16.06.160 HYDROLOGIC EVALUATION

1. Every development shall be required to demonstrate no impact to regional water resources. Water resources include, but are not limited to:
  - a. Water rights
  - b. Historical surface flows in rivers, canals, sloughs and ditches and similar water courses
  - c. Subsurface water levels
  - d. Water Quality
  - e. Existing drainage networks
2. In order to demonstrate no impact, the developer shall submit a report that, at a minimum:



- a. Provides a map of all water rights within 0.5 miles of the boundaries of the proposed development. The map shall identify owners, types, quantities, state identification reference.
  - b. Provides a map of all surface flow patterns including canals, sloughs, drainages and ditches. The map shall identify owners, type of water course (natural stream, slough, drainage ditch, etc.), historic flows and downstream users and shall show the downstream water course and land ownership to the point of discharge.
  - c. Documents historical ground water levels including seasonal variations.
  - d. Identifies methods of protecting water quality including identification of potential contamination sources, permanent and construction Best Management Practices ("BMP's") and proposed mitigation measures.
  - e. Provides a map of all existing underground drainage networks.
  - f. Provides a map of all springs and artesian water sources.
  - g. Storm Water Management Plan ("SWMP").
  - h. Provide a written agreement or other document, acceptable to the City, indemnifying the City against liability from water rights claims.
3. The developer's engineer shall demonstrate in the report that the development does not impact the areas water resources as identified above. In the case that impacts are identified, the developer's engineer shall develop mitigation measures that alleviate any adverse effects and receive approval from the City Engineer. In the case that mitigation measures cannot completely alleviate the adverse effects of the development to the water resources, the developer may pursue agreements with stakeholders of the potentially-affected water rights to allow development to proceed with accepted impacts. Any such agreement shall also include a written statement from the affected stakeholders indemnifying the City from liability against water rights claims.
  4. Additional Studies. The City Engineer may require the submission of additional detail or reports on other reports in excess of those specifically identified under **Section 4**, where deemed appropriate and necessary to provide a more accurate understanding of conditions including, but not limited to, historically, archeologically and culturally significant features and key natural habitat. If the results of those reports cause the City Engineer to question the public's assets if the development proceeds, then the City Engineer can stop development until he/she is satisfied that the development may proceed without harming the public or until the City Council has approved the development

#### Section 16.06.170 Review Process.

Review procedures for development projects subject to the terms of this Ordinance shall be incorporated and conducted as part of the City's review process for new development in

accordance with established policies and procedures.

#### Section 16.06.180 Actions Prohibited.

It shall be unlawful to grade, fill or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide or any other unsafe condition. It shall also be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

1. High water table,
2. Surface water,
3. Collapsible/expansive soils,
4. Liquefiable soils, or
5. Any other condition deemed unsafe by the City Engineer, City Planning Commission or other City designee.

#### Section 16.06.190 MINIMUM IMPLEMENTATION REQUIREMENTS

1. Geotechnically or Hydraulically Sensitive Soils.
  - a. In all development projects
    - i. Any proposed project shall include evidence of the proposed actions to mitigate the constraints identified by the geotechnical evaluation.;
    - ii. Any proposed project shall include evidence of the proposed actions to mitigate any identified impact on water resources identified as part of the hydrologic evaluation; and
    - iii. The City may require the installation of clay dams as a part of the construction of underground utilities to minimize the disruption of historic underground water flows.
  - b. Building Permit
    - i. Any request for building permit shall include evidence of the proposed actions to mitigate the constraints identified for the project area.
2. Areas with High Water Table.
  - a. In all development project
    - i. Any proposed development project shall comply with the minimum requirements identified under **Section 4-5** of this

Ordinance;

- ii. The existence of a high-water table shall be noted on the final plat recorded at the Office of the County Recorder, together with any prohibition to the placement of a basement or other limitation to development attached to the lot as a condition of development approval. Any lot which is restricted from constructing a basement shall be identified on the final plat through the placement of a symbol consisting of a capital B within a circle with a slash through the circle;
- iii. A "Notice of Interest" setting forth any such condition or limitation shall be recorded at the Office of the County Recorder for each lot to which the condition or limitation is applicable;
- iv. The subdivision area shall be served by a gravity flow ground water removal system designed and constructed to collect and convey ground water from the site to the existing drainage channel (slough) which currently serves as the ground water removal channel for the site; and
- v. Any development project which includes the construction of a ground water drainage system shall require the establishment of a Home Owners Association (HOA) or other organization for the purposes of maintaining the ground water drainage system and any other common facilities required or included in the project.

b. Building Permit

- i. Any building permit for a building upon a lot having a high ground water condition shall include a provision that the lowest floor of the structure shall conform to the requirements for habitable structures as set forth under **Section 2-7-2** of this Ordinance.
- ii. The City may require the installation of foundation drains as a condition of issuance of a building permit

3. Wetlands.

a. In all development projects

- i. A wetlands determination shall be provided for any lands shown on the wetlands study map included as part of this Ordinance, or any other lands determined to qualify as wetland. Any parcel containing wetlands, determined to be "Jurisdictional Wetland" shall obtain the appropriate permit from the U.S. Army Corps of Engineers and shall conform with the terms of said permit.

b. Building Permit

- i. No building permit shall be issued for construction of any building proposed for placement in any area designated as a jurisdictional wetland without a mitigation plan approved by the COE.

#### 4. Liquefiable Soils.

##### a. In all development projects

- i. The existence of a liquefiable soils condition shall be noted on the final plat recorder at the Office of the County Recorder, together with any limitation to development (such as extraordinary foundation treatment) attached as a condition of approval for the project.
- ii. In addition, a "Notice of Interest" setting forth any such condition or limitation shall be recorded at the Office of the County Recorder for each lot to which the condition or limitation is applicable.

##### b. Building Permit

- i. Each building proposed for construction on land having a high liquefaction potential shall be required to have a footing and foundation design conforming to liquefaction hazard as certified by a geotechnical and structural engineer to meet or exceed the probable forces.

#### 5. Flood Plain Areas.

##### a. In all development projects

- i. Any proposed development within an identified flood plain area shall conform to the provisions of the City's flood plain ordinance.

##### b. Building Permit

- i. All requests for building permit shall conform to the provisions of **Section** of this Ordinance.

#### 6. Surface Drainage.

##### a. In all development projects

- i. All proposed development projects shall provide evidence of compliance with the terms of Section 4-2-6 and Paragraph 3 of Section 4-4 of this Ordinance, the drainage element of the General Plan and recommendations contained within the Grading and Drainage report.

b. Building Permit

- i. All proposed development projects shall provide evidence of compliance with the terms of the drainage element of the General Plan and recommendations contained within the Grading and drainage report.

**Section 16.06.200 Post Construction Inspection and Certification.**

For any real property with respect to which development has proceeded on the basis of a geotechnical report which has been acknowledged by the City Engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that geotechnical report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said report. Provided, however, that improvements and structures may, with the consent of the City Engineer, deviate from the descriptions and requirements contained in the geotechnical report because of conditions which are discovered after acknowledgment of the geotechnical report by the City Engineer. Any request to deviate from the terms of the report shall include a description of the conditions which prompt the request and a summary of the recommendations for change, and shall be prepared by the Geotechnical Engineer who prepared the original report.

**Section 16.06.210 APPEALS FROM DECISION OF CITY ENGINEER**

1. Any person dissatisfied with a decision of the City Engineer made under this Ordinance, may appeal the same within thirty (30) days thereof to the American Fork City Council which is, by this Ordinance, authorized to hear appeals from decisions of the City Engineer, and which is authorized to affirm or reverse said decisions, either in whole or in part.
2. In considering an appeal, the City Council may include the services of a third-party consultant to assist in evaluating the appeal. All cost incurred in the use of a third-party consultant shall be the responsibility of the appellant.
3. Any person dissatisfied with a decision of the City Council may appeal that decision pursuant to applicable state law.

**Section 16.06.220 RESTRICTIVE COVENANT REQUIRE.**

If a geotechnical report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered, to American Fork City, a restrictive covenant, in a form suitable for recording, containing not less than the following:

1. A complete description of the geologic condition of the subject real property,

including references to relevant reports and studies;

2. A description of the grading, filling, or excavating or erection of a structure for human habitation approved in the geotechnical report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon.

#### Section 16.06.230 Violation and Enforcement.

1. It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person, firm, or corporation or any agent thereof who shall fail to comply with any of the provisions of this Ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this ordinance shall be in violation of this Ordinance.
2. Whenever it becomes necessary to enter actions in the court in order to obtain compliance with one or more provisions of this Ordinance, the City Engineer shall first refer such matters to the City Council and to the City Attorney for their action and shall thereafter follow the instructions of the City Council with respect thereto.

#### Section 16.06.240 Violation Remedy and Penalty.

1. Withholding Building Permits. In addition to all other remedies, the City may enforce the provisions of this Ordinance by withholding development approvals, building permits, grading and excavation permits, and certificates of occupancy.
2. Injunction, Mandamus, Abatement. The City Council, Zoning Administrator, City Engineer and/or City Attorney may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful building use or act.
3. Penalties. In addition to being subject to injunctive or abatement actions under this Ordinance, violation of this Ordinance or any regulation, order or permit adopted or issued under this Ordinance shall, upon conviction, be punishable either:
  - a. By an imposition of a civil penalty not to exceed \$1,000 per violation per day, to be collected in a civil action (UCA 10-9a-1003(2)(b)); or
  - b. As a class C misdemeanor, as defined and established by State Law. (See UCA 76-3-101 et. seq.)

#### Section 16.06.250 CIVIL AND CRIMINAL FRAUD.

It shall be unlawful for any person, including the seller or his representative, directly or indirectly, in connection with the sale or offering for sale of real property located in American

Fork City, to make any untrue statement of a material fact related to the sensitive land conditions of the subject property. This Ordinance shall be construed to create private and public civil causes of action in addition to creating criminal liability.

#### Section 16.06.260 CONFLICTING PROVISIONS.

Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance or part thereof, the more stringent shall prevail.

### CHAPTER 16.07 FLOODPLAIN MANAGEMENT

#### Section 16.07.010 FINDINGS.

1. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.

#### Section 16.07.020 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaking at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.

### Section 16.07.030 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, or property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### Section 16.07.040 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

1. Area of shallow flooding. A designated AO, AH, or VO zone on a city's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
2. Area of special flood hazard. The land in the floodplain within a city subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
3. Base flood. The flood having a one percent change of being equaled or exceeded in any given year.
4. Base Flood Elevation (BFE). The water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates



the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

5. Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
6. Elevated building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
7. Existing Construction. For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
8. Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a city.
9. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).  
Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters, and/or
  - b. the unusual and rapid accumulation or runoff of surface waters from any source.

10. Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the city. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
11. Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (if applicable), Flood Insurance Rate Map and supporting technical data.
12. Floodplain of flood-prone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).
13. Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
14. Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
15. Flood protection system. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a city subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
16. Flood proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
17. Floodway (regulatory floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
18. Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

19. Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

20. Historic Structure. Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - i. by an approved state program as determined by the Secretary of the Interior or;
  - ii. directly by the Secretary of the Interior in states without approved programs.

21. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

22. Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a "recreational vehicle".

23. Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

24. Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on a city's Flood Insurance Rate Map are referenced. For information

regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, please refer to the FIRM.

25. **New Construction.** For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
26. **New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
27. **Recreational Vehicle.** A vehicle which is:
  - a. built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light duty truck; and
  - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
28. **Start of Construction.** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

29. Structure. For insurance purposes is:

- a. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
- b. A manufactured home (also known as a mobile home) built on a permanent chassis transported to its site in one or more sections and affixed to a permanent foundation;
- c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws;
- d. A gas or liquid storage tank, that is principally above ground and permanently affixed to a permanent site.

30. Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

31. Substantial improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The Term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

32. Variance. Permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

33. Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

34. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Section 16.07.050 APPLICABILITY.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. When the city annexes any land from a neighboring jurisdiction, the annexed land shall also be managed and regulated by this Chapter.

#### **Section 16.07.060 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in scientific and engineering report entitled, “The Flood Insurance Study for Utah County, Utah and Incorporated Areas”, dated June 19, 2020 with accompanying Flood Insurance Rate Maps (FIRMS) and Flood Boundary-Floodway Maps (FBFM) and any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMS referred to herein are on file at the office of the Floodplain Administrator. For areas along the American Fork River south of I-15 where specific floodplains, floodways and base flood elevations (BFE) have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE’s as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application.

#### **Section 16.07.070 COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, or altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

#### **Section 16.07.080 ABROGATION AND GREATER RESTRICTION.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Section 16.07.090 INTERPRETATION.**

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

### Section 16.07.100 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

### Section 16.07.110 DEVELOPMENT PERMIT REQUIRED.

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060. Application for a development permit shall be made on forms furnished by the city engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
  - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any structure shall be or has been floodproofed;
  - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.10.260; and
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
3. All records of all such information shall be maintained at the office of the Floodplain Administrator.

### Section 16.07.120 DESIGNATION OF LOCAL ADMINISTRATOR.

The city engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

## Section 16.07.130 FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
  - a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
  - b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer’s certification) for the proposed development shall be required.
  - c. If the proposed development is a building, then the provisions of this chapter shall apply.
  - d. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the city, unless it is determined that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
  - e. At the discretion of the Floodplain Administrator, the city may approve certain development in Zones A1-30, AE and AH on the city’s FIRM which increases the water surface elevation of the base flood by more than one foot per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, provided that the city first applies for a conditional FIRM revisions through FEMA (Conditional Letter of Map Revision) and receives the appropriate approval from FEMA.



4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
  - a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - j. The relationship of the proposed use to the comprehensive plan for that area.
6. Variance Procedures. The appeal Board as established by the city shall hear and render judgement on requests for variances from the requirements of this ordinance.
  - a. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
  - b. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
  - c. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

- d. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 15.10.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- f. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
- g. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result
- h. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- i. Prerequisites for granting variances:
  - i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - ii. Variances shall only be issued upon:
    - 1. Showing a good and sufficient cause;
    - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - iii. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood

insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- j. Variances may be issued by the city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - i. the criteria outlined in Section 15.16.130.6 are met, and
  - ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### Section 16.07.140 USE OF OTHER BASE FLOOD DATA.

The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in zone A meets Section 15.10.240.

#### Section 16.07.150 INFORMATION TO BE OBTAINED AND MAINTAINED.

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
  - b. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);
  - c. Maintain for public inspection all records pertaining to the provisions of this chapter.

#### Section 16.07.160 ALTERATION OF WATERCOURSES.

The Floodplain Administrator shall:

1. Notify adjacent communities and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished

## Section 16.07.170 INTERPRETATION OF FIRM BOUNDARIES.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

## Section 16.07.180 GENERAL STANDARDS.

In all areas of special flood hazards, the following standards in Sections 15.10.190 through 15.10.260 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding.

## Section 16.07.190 ANCHORING.

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
  - d. Any additions to the manufactured home be similarly anchored.
3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the city's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured

home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the city’s FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
  - a. the lowest floor of the manufactured home is at or above the base flood elevation, or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles placed on sites within Zones A1-30, AH, and AE on the city’s FIRM either:
  - a. be on the site for fewer than 180 consecutive days,
  - b. be fully licensed and ready for highway use, or
  - c. meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for “manufactured homes” in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### Section 16.07.200 CONSTRUCTION MATERIALS AND METHODS.

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

1. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
2. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### Section 16.07.210 UTILITIES.

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of floodwaters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding

### Section 16.07.220 SUBDIVISION PROPOSALS

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of Sections 15.10.010 through 15.10.030, Section 15.10.060 and Section 15.10.110;
2. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

### Section 16.07.230 ENCROACHMENTS.

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

### Section 16.07.240 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 15.16.060 and 15.16.150, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the base flood elevation has not been determined, it shall be required to establish the base flood elevation prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be

constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

#### Section 16.07.250 RESIDENTIAL CONSTRUCTION.

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

#### Section 16.07.260 NONRESIDENTIAL CONSTRUCTION.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the base flood elevation and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certifications which include the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records.

#### Section 16.07.270 ENCLOSURES.

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### Section 16.07.280 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in Section 15.16.060 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Within Zone AO all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;
  - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified), or;
  - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 15.16.140, are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

### Section 16.07.290 FLOODWAYS.

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with



standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.

2. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first applies for a conditional FIRM and floodway revision through FEMA.

#### Section 16.07.300 PENALTY.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

#### Section 16.07.310 SEVERABILITY.

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

### CHAPTER 16.08 PIONEERING/CONNECTOR'S AGREEMENTS

#### Section 16.08.010 Benefitted Parcel (generally):

1. Any parcel of land which abuts a proposed public facility that will receive service from said public facility. Benefitted Parcel shall not include any such land abutting land owned by the applicant or the width of the right-of way of any existing adjacent intersecting public street. Benefitted Parcel – Water/sewer line: Any parcel of land which abuts a water and/or sewer line, and is capable of receiving service from the line.

#### Section 16.08.020 Unavailability of Adequate Pubic Facilities

1. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:

- a. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of pioneering/connector's agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any pioneering/connector's agreement authorized by this paragraph must be requested no less than 60 days prior to Planning Commission recommendation and/or approval of the subdivision and/or site plan, whichever occurs sooner, and shall not exceed a duration of 10 years from the date of acceptance by the City.
  - b. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
  - c. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available.
  - d. Denying approval and allowing the applicant to reapply when adequate public facilities are available.
2. In the event the City installs infrastructure improvements which benefits specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a pioneering agreement as set forth in paragraph A, including the 10-year duration.
3. When a pioneering agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with that parcel. The notice is not a lien on the property. The City Engineer is designated to sign, on behalf of the City, the Notice of Development Obligations.
4. In the event of any dispute or appeal regarding the interpretation, application, or enforcement of a pioneering/connector agreement, and if the parties are unable to resolve the matter through agreement, the dispute shall be submitted to the Board of Adjustment for determination. The Board shall review the appeal and any additional evidence submitted and may uphold, modify, reverse, or remand the determination.

## CHAPTER 16.09 DEVELOPMENT AGREEMENTS

### Section 16.09.010 Entering Into Development Agreements

1. In the sole discretion of the city council, the city of American Fork may—but under no circumstances is required to—enter into agreements hereinafter to be known as "development agreements." Any such development agreement shall constitute a binding

contract between the applicant and the city of American Fork (hereinafter sometimes referred to collectively as "the parties," and shall contain such terms and conditions as agreed to by the parties—subject to and consistent with the requirements of this title.

2. The mayor, city attorney, city administrator, planning administrator, city planner, city engineer, and/or any member of the city council when authorized to do so by said body, may negotiate the terms and conditions of development agreements on behalf of the city. Provided, that all development agreements shall be reviewed for legal sufficiency by the city attorney and submitted to the planning commission for its review and recommendation thereon prior to any final approval or disapproval thereof by the city council.

#### Section 16.09.020 Criteria For Entering Into Development Agreements.

The city may enter into a development agreement only if:

1. The development agreement has been duly adopted by the city council in accordance with the provisions of this title; and
2. The proposed development to which the development agreement pertains is in conformity with the city's general plan, zoning regulations, and the other applicable requirements; and
3. The proposed development subject to the agreement contains unique features which advance the policies, goals and objectives of American Fork City; and, if applicable,
4. The property owner agrees to contribute capital improvements which exceed the development's proportionate share of the costs of the facilities needed to service the development and thereby advance the provision of facilities to serve American Fork City.

#### Section 16.09.030 Effect Of Approval; And Reservation Of Legislative Powers.

It is hereby expressly declared that the intent of this provision is to create a vested right in the owner or applicant of property as set forth pursuant to the terms of a development agreement. Any covenant by the city contained in a development agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall also contain a proviso that the city may, without incurring any liability, engage in action that would otherwise constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to the public health, safety and general welfare. The covenant shall also contain the additional proviso that the city may, without incurring any liability, engage in action that would otherwise constitute a breach of the covenant if the action is required by federal or state law.

### Section 16.09.040 Third Party Rights.

Except as otherwise expressly provided therein, development agreements shall create no rights enforceable by any third party who is not a direct party to such development agreements.

## CHAPTER 16.10 ANNEXATION POLICIES AND PROCEDURES

### Section 16.10.010 Purpose and Intent.

The annexation requirements specified in this chapter are intended to protect the legal interests and character of American Fork City by assuring the orderly growth and development through: coordinating and planning utilities and public services; preserving open space, enhancing parks and trails; ensuring environmental quality; protecting entry corridors, view sheds and environmentally sensitive lands; preserving historic and cultural resources; creating buffer areas; protecting public health, safety, and welfare; and ensuring that annexations are approved consistent with the American Fork City General Plan. It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah State law and in particular §10-2-401 et. seq. of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code, they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code. Annexations are legislative matters and applicants should be aware that the City is not required to accept any petition or application for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation.

### Section 16.10.020 General Annexation Requirements.

All applications for annexation must comply with the following general requirements and be consistent with the Utah State Code requirements for annexation:

1. The area must be contiguous to American Fork City;
2. The area must be a contiguous area;
3. If the annexation is by petition, the area proposed for annexation cannot create an unincorporated island or peninsula;
4. The annexation may not propose the annexation of all or part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
5. Every annexation shall include the greatest amount of contiguous property area, which is also contiguous to the City's municipal boundaries.

### Section 16.10.030 General Planning and Zoning Designations

1. All annexations shall be consistent with the American Fork City General Plan. Consistency with the General Plan comprises all elements of the plan. If the proponent of an annexation proposes zoning or any other issue that is inconsistent with the General Plan, the proponent shall be required to apply for an amendment to the American Fork City General Plan.
2. When land is annexed into the City it shall be given a zoning designation. Annexations may include more than one zoning district, if appropriate. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal.
3. Existing uses may or may not be allowed in the annexation process. Animal rights, agricultural uses, and other uses, if inappropriate, may not be allowed following annexation.

### Section 16.10.040 Annexation Application Requirements

1. The proponent for annexation shall make application on a form provided by the City and pay all applicable fees. The application shall include, at a minimum, the following information:
  - a. An accurate annexation plat prepared and signed by a licensed surveyor. The plat shall identify each parcel included in the annexation and on each parcel label the owner's name, tax identification number, acreage and proposed zoning. A 36-inch x 24-inch mylar copy for recording must be submitted prior to the final public hearing before the City Council;
  - b. A list of all parcels included on the annexation plat with tax identification numbers, acreage, names and addresses of all owners and land values as shown on the last county assessment roll;
  - c. For annexations by petition, a signed petition consistent with the requirements for petitions contained in the Utah State Code.
2. Proposed annexation plats must also be accompanied by an annexation impact statement consisting of the following:
  - a. A description of the area proposed for annexation identifying the existing land use(s) and those proposed by the petitioners;
  - b. Current and potential population of the area and the current residential densities and the intensity of current nonresidential uses in the area;
  - c. A statement of compliance with the American Fork City General Plan, including goals, policies and land use and how the proposed area, and any proposed land use(s) will contribute to the achievement of the goals and policies of the American Fork City General Plan;

- d. The topography, vegetation, and other natural features present on the property to be annexed;
- e. An identification of the demands for City provided facilities and services to the area proposed for annexation, at the existing and proposed land use(s), including potable water, irrigation water, wastewater, transportation facilities, drainage, fire protection, solid waste, parks and recreation, and police protection

#### Section 16.10.050 Annexation Procedure

1. The sponsor must schedule a pre-application meeting with the American Fork City Planning Staff for review of the annexation request and an opinion as to whether or not the area proposed for annexation will create an unincorporated island or peninsula. If it is in the opinion of staff that the proposed annexation does not create an unincorporated island or peninsula, the sponsor will be advised to proceed with their application as an annexation by petition. If the Planning Staff determines that, in their opinion, the proposed annexation creates an unincorporated island or peninsula, the sponsor will be so advised and informed of alternative procedures to request annexation by resolution, if applicable.
2. A complete application for annexation shall be filed with the City Recorder.
3. The Planning Department will schedule the annexation request on the next available Technical Review agenda.
4. City staff will review the application and prepare an annexation report for the Planning Commission and City Council. The report shall identify:
  - a. Potential demand for City facilities and services;
  - b. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments of the General Plan required by the annexation;
  - c. The identification of the distance from existing city utility lines to the boundary of the annexing property;
  - d. Zoning required or recommended;
  - e. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses;
  - f. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable
5. The City Council may decide to either accept the annexation application for further review or deny the application. Denial of an application for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land

annexed into American Fork City, the applicant will need to resubmit the proposed annexation as a new application and satisfy each of the requirements of this Chapter including the payment of all review fees.

6. If the annexation request is accepted for further review, proper notice shall be given in accordance with the annexation requirements contained in the Utah State Code.
7. A public hearing (10-day notice) will be scheduled with the Planning Commission for review and recommendation of the proposed zoning designation for the annexation.
8. Following the Planning Commission's review and recommendation on zoning and after all required notice has been met, a public hearing will be scheduled with the City Council for final approval of the annexation, including zoning designation.
9. An annexation agreement must be signed and applicable requirements met, including any water dedication requirements, prior to annexation plat recording and ordinance publication.
10. In order to provide accurate and current address information for EMS, fire, law enforcement, and utility services, any existing homes included in the annexation shall be assigned an American Fork City address. The new address will become effective at the time the annexation plat is recorded.

#### Section 16.10.060 Annexation Agreement

1. Prior to final approval of any annexation, the proponent of an annexation and American Fork City shall enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may differ on each annexation. Because each annexation agreement may differ, each annexation shall be processed on a case-by-case basis with no precedent set by previous annexation agreements.
2. Each annexation agreement shall be signed by both the Mayor of American Fork City, upon ratification by the City Council, and the proponent of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the City Council and the applicant.
3. The items listed below are issues that may be addressed in the annexation agreement, but are not necessarily a complete list of items that may be addressed by the City Council or staff.
  - a. Each annexation agreement shall include a description of the property, complete with legal description and amount of acreage;
  - b. Each annexation agreement shall include the designated zoning. The City Council may require actual density to be included in the annexation agreement, as well as the proposed development layout and provision of services. The circulation

pattern for the area and alignment of other City services will be indicated to the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process;

- c. Each annexation agreement will indicate areas proposed for trails, open space, and recreation areas. The agreement will specify ownership of these areas and any proposed maintenance arrangements.
- d. Each annexation agreement shall indicate the transfer and dedication of water rights or entry of a Water Conveyance Agreement. The City Council may require limits of disturbance plans to be indicated along water courses and bodies, steep slopes, wetlands, view sheds, and other environmentally sensitive areas.
- e. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to American Fork City.

CHAPTER 16.11 CONVEYANCE OF WATER.

Section 16.11.010 AMOUNT TO BE CONVEYED.

Wherever the terms of this American Fork City Code require the conveyance of water, such conveyance shall conform to the terms of this section.

- 1. Amount of water right required. The amount (number of acre-feet) of water required to be conveyed to the city as part of a request for approval of an annexation, subdivision, site plan, or building permit shall be the amount considered sufficient to meet the water use requirements of the proposed use, to be determined in accordance with the following:
  - a. Residential uses.
    - i. Indoor uses. Indoor residential requirements shall be based on an Equivalent Residential Connection (ERC) basis as shown in the table in c. below. Each ERC shall be required to convey 0.45 acre-feet of water right for indoor use.
    - ii. Outdoor uses. Outdoor residential requirements shall be based on acreage as set forth herein. For single-family units and two-family units, requirements shall be based on total gross lot acreage. For multi-family units, requirements shall be based on irrigated acreage.

1. Water rights requirements are set forth in the following table:

Residential Development	Indoor Uses	Outdoor Uses
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		Equivalent Residential Connections (ERC) Per Dwelling Unit	Acre-Feet Required (ERC x 0.45)	Acre-Feet Required
One dwelling unit per lot		1.00	0.45	At the discretion of the developer, 1.80 acre- feet per acre of lot OR 3.6 acre feet per irrigated acre
More than one dwelling unit per lot: Number of bedrooms per unit	One	0.42	# Units x 0.19	At the discretion of the developer, 1.80 acre- feet per acre of lot OR 3.6-acre feet per irrigated acre
	Two	0.83	# Units x 0.37	
	Three +	1.00	# Units x 0.50	
Common area with no dwelling unit		N/A	N/A	3.6-acre feet per irrigated acre
All other metered culinary uses		An amount sufficient to meet the projected needs of the proposed development based on an evaluation of demand characteristics for similar uses as determined by the city.		

- b. Residential-agricultural projects (one acre or larger lots). Same as (1) above, except that where there is adequate data to show that the agricultural use requirements will be met using other sources (i.e., a private well or irrigation shares), the city may delay the time of conveyance of the portion devoted to irrigation of agricultural lands until the occurrence of one of the following: (1) the source of water used for irrigation of agricultural lands is from the city's culinary or secondary water system, or (2) the area used for agricultural purposes is proposed to be converted to residential or other urban purpose.
- c. Commercial, Industrial, institutional, and all other non-residential uses shall be required to convey water rights per the following table:

Non-residential Development	Culinary Uses	Irrigation Uses
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	Acre-Feet Required	Acre-Feet Required
Commercial, industrial, institutional, and all other non-residential uses	An amount sufficient to meet the projected needs of the proposed development based on an evaluation of demand characteristics for similar uses as determined by the city.	3.60 acre-feet per irrigated acre

2. Exceptions and adjustments to required amounts.

- a. Where, because of topographic conditions or other factors, some portion of the lands are permanently restricted from any use or activity requiring water, the city may reduce the amount of water required. Any request for reduction shall include enforceable provisions for ensuring the restricted condition.
- b. Notwithstanding the provisions of this code, no water will be required for any existing dwelling within the city not previously connected to the city water system, any existing dwelling which has been previously connected to the city's culinary water system, or any existing one-family dwelling which is subsequently annexed to the city and connected to the city water system.
- c. Subsequent to a determination of water requirement, if the use of an existing non-residential facility or development is modified and results in an increased use of water, an additional amount of water sufficient to meet the projected needs of the modified use shall be required to be conveyed to the city.

**Section 16.11.020 TYPE OF ACCEPTED WATER.**

1. The city council does hereby establish that the preferred type of water acceptable to the city shall be stock in an irrigation company capable of delivering water through the city's water system and used within the city. The specific irrigation company water stock considered acceptable for conveyance to the city and the quantity allowable for each shall be as follows:
  - a. Irrigation water stock. Transfer of title will be by delivery of a stock certificate(s), in the name of American Fork City, from one or a combination of the following irrigation companies (shares per acre foot to be determined at the time of dedication based upon evaluation of the shares at the time of transfer):
    - i. American Fork Irrigation Company
    - ii. Provo Reservoir Water Users Company (PRWUCo)
    - iii. Alpine District Full Shares

- iv. Alpine District Full Contained Shares
    - v. Alpine District Late Shares
    - vi. Alpine District Late contained Shares
  - b. Other Murdock Canal irrigation shares that are deliverable through the established turnout points capable of delivering water through the city's water system and used within American Fork City, including Highland Conservation District and PRWUA
  - c. Other irrigation stock including Mitchell Hollow, Mitchell Springs, or other applicable Surface Irrigation. Any such right will have a source and delivery system capable of delivering water through the city's water system and used within American Fork City.
  - d. A transfer fee to cover the conveyance costs or annual/perpetual fees associated with transfer of irrigation shares shall be assessed to the dedicator.
2. Groundwater rights. The city, at the sole discretion of the city council, may accept title to water rights from a well or other groundwater source. Transfer of title of rights from a well right or other groundwater source, when approved by the city, shall be by warranty deed authorizing the diversion of a specific quantity of water in acre-feet and shall be subject to the following:
- a. The dedicator must file an application for dedication of water to American Fork City; pay the applicable fee, as set by the city council; and comply with all requirements of the application, including payment or reimbursement of all costs associated with the water dedication (including but not limited to attorney fees, water application filing fees, recording fees, and title insurance premiums).
  - b. The city shall have given prior approval indicating its willingness to accept the water right proposed for conveyance.
  - c. A change application for the water right proposed for conveyance signed by both the applicant and the city, shall have been submitted to the Utah Division of Water Rights and a decision rendered that approves the diversion of the water right through the city's points of diversion for municipal use in the city and that is acceptable to the city.
  - d. Any wells or other points of diversion on the property must be permanently abandoned according to the requirements of the Utah Division of Water Rights, or (at the sole discretion of the city) conveyed to the city.
  - e. Prior to acceptance of a water right by the city, the water right must have a water right title policy issued on it that is clean and approved by the city.
3. City to approve proposed conveyance. Prior to acceptance of a water share or a water right the city shall evaluate the water share or water right proposed for conveyance and

may refuse to accept any share or right which it believes to be insufficient in amount or flow or otherwise unsuitable for use by the city.

#### Section 16.11.030 TIME OF CONVEYANCE.

1. Actual conveyance of the water shall be as follows:
  - a. ANNEXATIONS. For all parcels signatory to the request for annexation, the conveyance of title to water shares and/or water rights shall occur concurrently with final action on the annexation by the city council. Provided, however, where, because a proposed annexation is large, or the proposed zone classification is for agricultural or other non-urban purpose, or there exist other conditions, deemed sufficient by the city, which prohibit actual conveyance of the water right at the time of annexation, the city council may authorize a delay in the time of conveyance of the water shares and/or water rights to a time following completion of annexation proceedings. Any proposal to delay the actual time of conveyance shall be subject to the following findings and conditions:
    - i. The council, with the recommendation of the planning commission, determines that there is good and sufficient reason to delay the time of conveyance.
    - ii. There is adequate assurance that the water shares and/or water rights proposed for conveyance in the future are irrevocably committed to the city through placement of the shares and/or rights in a third-party escrow arrangement and/or execution of a water transfer agreement.
      1. The documentation establishing the terms of delay shall be established prior to the action to annex and shall include the following: (i) the timing and/or condition for actual conveyance are clearly stipulated in the agreement, (ii) in the instance of water rights, an application seeking approval of a change to municipal use shall have been filed with the Utah State Engineer, (iii) there are no encumbrances on said shares and/or rights which may prohibit their subsequent conveyance without cost to the city, (iv) no development which requires the delivery of water shall be approved for the parcel until actual conveyance has occurred.
  - b. SUBDIVISIONS AND LARGE-SCALE DEVELOPMENT.
    - i. Water shares and/or water rights, in an amount sufficient to meet the requirements for the proposed subdivision, large scale development or similar development project shall be conveyed concurrently with the action granting approval of a final plat of a project, approval of a site plan, or similar action which has the effect of authorizing a building permit or permission to commence construction of a project.

- ii. Any water shares and/or water rights previously conveyed as part of an annexation shall be considered as a credit toward satisfying the requirements.

c. BUILDING PERMIT.

- i. No building permit will be issued for the construction of a dwelling, commercial building or other structure intended for human occupancy without first conveying to the city water shares and/or water rights in an amount sufficient to meet the needs of the proposed use.
- ii. Any water shares and/or water rights previously conveyed as part of an annexation or project development approval shall be considered as a credit toward satisfying the requirements.
- iii. Notwithstanding the other provisions of this section, any parcel of real property which existed as an independent parcel, capable of development, within the city prior to January 1, 1980, shall be entitled to a water right credit in the amount of one acre-foot, to be applied in meeting the water right requirements for any subsequent development of the property. This grant of credit is appurtenant to the land and shall not be alienated from the parcel to which it applies.

2. WATER BANKING. As recommended by the city engineer and approved by the city council, water may be banked with the city (i.e., conveyed to the city in exchange for water credits that can be used, or assigned to another person to be used, to meet the city's water dedication requirements), provided that:

- a. The water shares and/or water rights have gone through the full dedication process set forth in the American Fork City Code;
- b. The city and the person banking the water enter into a Water Banking Agreement that is acceptable to the city;
- c. A water banking fee, as set by the city council, is paid in full; and
- d. The city shall be granted full use of the banked water at the time of the execution of the Water Banking Agreement.

## CHAPTER 16.12 WATER AND SEWER SERVICES

### Section 16.12.010 MASTER PLAN.

The water system of the City shall be developed in conformance with the Culinary Water Master Plan and Pressurized Irrigation Master Plan for American Fork City. The sewer system of the City shall be developed in conformance with the Sewer Master Plan for American Fork City.

## Section 16.12.020 DEFINITIONS.

1. Accessory Apartment. An apartment with an accessory apartment permit from the City of American Fork.
2. City Manager. The City Manager of the City of American Fork, Utah, or his or her designee.
3. Living unit. A room or group of rooms designed to provide independent living space for one family. Each living unit will typically have kitchen facilities, bathroom facilities, and a place to sleep.
4. Main line. A water line supplying more than one water meter.
5. Multiple family residence. A residential building having more than one living unit, if the living units are not separately owned or titled. Examples of multiple family residences include townhouses, duplexes, dormitories and apartments. Accessory apartments are excluded from the definition of “multiple family residence.”
6. Single family residence. A residential building having only one living unit, or a residential building having more than one living unit, if the living units are separately owned and titled. Examples of single-family residences include single family houses and condominiums.
7. Water system. As used in this Chapter, water system means the American Fork City culinary water system and pressurized irrigation system.
8. Water user. The applicant for water services, the person or entity paying the water bill, or any person occupying the premises being served.

## Section 16.12.030 CULINARY WATER AND PRESSURIZED IRRIGATION CONNECTIONS REQUIRED.

1. All dwellings and other structures used for human occupancy within the city’s boundaries shall be served by the city’s culinary water and pressurized irrigation systems.
2. Meters.
  - a. Single Family, two-family, and multi-family residential with fewer than four units that are not stacked. Each dwelling unit shall be served by an individual service lateral and meter.
  - b. Stacked multifamily residential or residential with more than four units. Each dwelling unit shall be served by an individual service lateral and meter, except that in the instance of multi-story, multi-unit structures on a single lot, the city, at their sole discretion, may authorize the use of oversize connections and a master meter.

- i. In the instance of a multi-story, multi-unit building where the property boundaries of each unit are confined to the extents of the structures and there is no exterior landscaping areas located within the unit's property boundaries, an individual pressurized irrigation service later is not required.
- c. Internal Accessory Apartments. Internal accessory apartments may be served by a common meter or a separate meter, as follows:
  - i. Common meter. The accessory apartment and the main dwelling are served by a common water meter. The bill for the water service shall be in the name of the owner of the main dwelling.
  - ii. Separate meters. The accessory apartment and the main dwelling are metered separately. The bill for each water service shall be in the name of the owner of the main dwelling.
- d. Uses other than residential (including mixed use).
  - i. Buildings.
    - 1. Culinary. At a minimum, each building shall be served by a separate culinary connection and meter, which is connected directly to a city water lateral having sufficient capacity to accommodate the anticipated demand from the proposed use.
    - 2. Pressurized irrigation. Each lot shall be served by an individual service lateral and meter connected to the city's pressurized irrigation system.
  - ii. Multi-tenant.
    - 1. In the instance of a single-story building where the units in the building are designed to be divided into separate units and intended to be owned by separate owners, each unit shall be served by individual water laterals connected directly to a city water line having sufficient capacity to accommodate the anticipated demand from the proposed use.
    - 2. In the instance of a single story building where all of the units within the building are to remain in single ownership, the city may authorize the use of a single water and/or sewer connection for the entire building subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of the common utility system and agreeing to retro-fit the utility system to provide individual water and sewer laterals to

each unit in the event of a sale of any of the units within the building to a separate owner.

3. In the instance of a multi-unit building intended to be divided into separately owned units (condominium project), except as otherwise stated herein, each unit utilizing culinary water and/or sewer shall be served by an individual water service lateral and meter which are connected directly to a city water line and each unit shall be served by an individual sewer service lateral which is connected to a city or private sewer line having sufficient capacity to accommodate the anticipated demand from the proposed use.
  - a. The City may permit only a single water line and single sewer service lateral to the entire building upon the following findings by the City Engineer: (1) the building is subject to a valid condominium ownership association, (2) use of water and sewer is limited only to common areas of the building, (3) an indemnification agreement indemnifying the city against damage that may occur to units within the building as a result of a malfunction of the common utility system has been received, and (4) an agreement to retro-fit the utility system to provide individual water and sewer laterals to each unit in the event of dissolution or termination of the condominium ownership association has been received.
4. In the instance of a multi-story, multi-unit, mixed use building where all units within the structure are to remain in single ownership, the city may authorize the use of a single water and/or sewer connection for each land use type within the structure subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of a common utility system and agreeing to retro-fit the utility system to provide individual water and sewer laterals to each unit in the event of a sale of any of the units within the building to a separate owner.

### 3. Water Bill.

- a. Separate meters. The water bill shall be in the name of the dwelling/building owner.



- b. Common meters. The water bill shall be in the name of the building owner or the unit owner's association. The building owner or unit owner's association shall be responsible for payment.
- 4. Common Meter Restrictions.
  - a. A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardize the safety of the City water system, the City may require that some or all of the living units in the building be metered separately.
  - b. A common water meter shall serve only one building. Additional buildings shall be metered separately.

#### Section 16.12.040 SEWER CONNECTION REQUIRED.

All dwellings and other structures used for human occupancy within the boundaries of the city shall be served by the city's sewer collection system.

1. Residential. Each dwelling unit shall be served by the city's sewer collection system. Each dwelling unit shall be connected to the sewer collection system by an individual lateral, except that in the instance of multi-story multi-unit structures on a single lot, the city, at their sole discretion, may authorize the use of a common lateral.
2. Uses other than residential (including mixed use).
  - a. Buildings. At a minimum, each building shall be served by a separate sewer connection which is connected directly to city sewer laterals having sufficient capacity to accommodate the anticipated demand from the proposed use.
  - b. Multi-Tenant.
    - i. In the instance of a single-story building where the units in the building are designed to be divided into separate units and intended to be owned by separate owners, each unit shall be served by an individual sewer lateral connected directly to a city sewer line having sufficient capacity to accommodate the anticipated demand from the proposed use.
    - ii. In the instance of a single story building where all of the units within the building are to remain in single ownership, the city may authorize the use of a single sewer connection for the entire building subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of the common utility system and agreeing to retro-fit the utility system to provide individual sewer laterals to each unit in the event of a sale of any of the units within the building to a separate owner.

- iii. In the instance of a multi-unit building intended to be divided into separately owned units (condominium project), except as otherwise stated herein, each unit utilizing sewer shall be served by an individual sewer service lateral which is connected to a city or private sewer line having sufficient capacity to accommodate the anticipated demand from the proposed use.
  - 1. The City may permit only a single sewer service lateral to the entire building upon the following findings by the City Engineer: (1) the building is subject to a valid condominium ownership association, (2) use of sewer is limited only to common areas of the building, (3) an indemnification agreement indemnifying the city against damage that may occur to units within the building as a result of a malfunction of the common utility system has been received, and (4) an agreement to retro-fit the utility system to provide individual sewer laterals to each unit in the event of dissolution or termination of the condominium ownership association has been received.
  - 2. In the instance of a multi-story, multi-unit, mixed use building where all units within the structure are to remain in single ownership, the city may authorize the use of a single sewer connection for each land use type within the structure subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of a common utility system and agreeing to retro-fit the utility system to provide individual sewer laterals to each unit in the event of a sale of any of the units within the building to a separate owner.

### 3. Water Bill.

- a. Separate meters. The water bill shall be in the name of the dwelling/building owner.
- b. Common meters. The water bill shall be in the name of the building owner or the unit owner's association. The building owner or unit owner's association shall pay.

### 4. Common Meter Restrictions.

- a. A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardize

the safety of the City water system, the City may require that some or all of the living units in the building be metered separately.

- b. A common water meter shall serve only one building. Additional buildings shall be metered separately.

5. Sewer Bill.

- a. Separate laterals. The sewer bill shall be in the name of the building owner.
- b. Common lateral. The sewer bill shall be in the name of the building owner or the unit owner's association. The building owner or unit owner's association shall pay.

### Section 16.12.050 APPLICATION FOR CONNECTION

It shall be unlawful to connect onto the City water or sewer system without first obtaining a permit to do so and paying fees in an amount and according to guidelines established by the City Council. Application for the permit shall be made in writing to the Development Services Department.

### Section 16.12.060 INSTALLATION AND CONNECTION TO SYSTEM

1. Sewer Laterals. Sewer service laterals installed to lots shall be located ten feet downhill from the center of the lot and shall extend from the sewer main to a point ten feet beyond the street right-of-way unless designed or staked otherwise. The contractor is required to install a clearly marked indicator at the end of each lateral line. This indicator may be a two × four or a one-inch PVC pipe extended vertically above finish ground clearly visible upon site inspection. In addition to the marker, the developer/contractor shall identify the location (distance) of the lateral connection to the main from the nearest downstream manhole. Laterals shall be capped with a cap suitable to withstand test pressure and prevent any leakage into or out of the lateral. Minimum slope shall be one-quarter-inch per foot.
2. Minimum size for a sewer lateral pipe shall be four inches in diameter and a maximum of six inches in diameter. Pipe used for new service laterals shall be PVC plastic pipe conforming to ASTM D3034 SDR 35.
3. All connections shall be "insert-a-tee" or WYE at ten o'clock or two o'clock positioning to center of main line and shall be encased in concrete after inspection of connection is made.
4. Connection shall conform to **City of American Fork Standard Plan SS4**. Any deviation from this drawing must be approved in writing by the city engineer.
5. Pipe bedding. Sewer lines shall be well bedded on a solid foundation throughout the length of the barrel. An excavation shall be made for the coupling. The pipe shall not rest directly on a rock or other hard surface. Where the pipe is laid in rocks, other coarse

grained soil or clay, the trench shall be over excavated and the pipe laid on a four-inch bed of compacted fill with rocks not exceeding one-half-inch in diameter.

6. Selected material that is free from rocks, frozen lumps, and other objectionable material larger than one-half-inch shall initially be placed along each side of the pipe not higher than the centerline. This material shall then be tamped under the pipe-curbed railroad so that no voids are left. Additional selected material shall then be placed in approximately four-inch layers, with each layer being tamped until the pipe is covered by at least twelve inches of compacted materials.
7. Backfill. The backfill of the trench from a point two feet behind, the sidewalk line, and running out to the street, shall be placed in horizontal twelve-inch maximum layers and compacted to ninety-five percent of the maximum laboratory density as determined by ASTM D1557 with mechanical tampers. All surface restoration shall conform to Division 6.
8. Construction proceedings. If a period of time is to lapse between backfilling a trench and restoring the surface, the granular base course shall be placed flush with the existing surface and maintained until new surface treatment is placed. The granular base course shall meet the compacted density specified in Division 14 of this chapter immediately prior to the placement of asphalt. The city may either test the compacted fill or require the contractor to have it tested for proper density. Any trench that does not meet proper density shall be reexcavated and recompactd according to these specifications. The final asphalt surface shall absolutely not dip below the existing asphalt surface line. The contractor shall be responsible for any trench failures for two years after the date of trench restoration.
9. Cover over sewer lateral lines. There shall be a minimum of three feet of cover over all sewer lateral lines (three-foot six-inch minimum at property line).
10. Sewer clean-outs. There shall be a maximum distance of five feet from the foundation wall to the first exterior clean-out with a maximum distance between clean-outs of seventy-five feet. There shall also be a clean-out at any ninety-degree bend or any combination of bends in excess of ninety degrees. Clean-out, standpipe can be cast iron or PVC with cast iron cap or brass cap. All clean-outs shall remain visible and accessible.

#### Section 16.12.070 LOCATION OF WATER METER AND MAIN LINES

#### Section 16.12.080 DAMAGE TO LINE, BOX OR METER

The developer or owner of the property shall be responsible for any adjustments or damages the owner/developer or their agent causes to the lateral from the City main line to the meter box, the meter box or the meter, and shall pay any repair or replacement costs, including the costs of locating, raising or lowering, and uncovering the line and/or meter. The City shall determine at its sole discretion whether the lateral, meter box, or meter require adjustment, repair, or replacement. Repairs shall be performed (1) by the City and charged to the water user (to the contractor or developer if the damages are made during construction), or (2) by a licensed

contractor approved by the City. Any work performed pursuant to option (2) shall be completed to the satisfaction of the City at the water user's (or contractor/developer's) expense.

## Section 16.12.090 APPLICATION FOR WATER SERVICES

## Section 16.12.100 DISSCONTINUING WATER SERVICE

## Section 16.12.110 TAPPING INTO THE SYSTEM

7. Tap in. It shall be unlawful for any person to tap into the City water system or open any closed valve in order to supply water to premises where services have not been established or have been discontinued by the City. In cases where the City has placed a lock on the water meter and the lock is damaged or destroyed in an attempt to obtain water for the premises, the water user shall pay the fee established by the City Council for replacing the lock, and shall reimburse the City for any costs in repairing or replacing the meter and/or meter valve/setter, if necessary.
8. Allowing tap in. It shall be unlawful for any person to allow any other person to tap into the water line or otherwise connect to the water system on his property in order to obtain water where the other person's water service has never been established or has been discontinued by the City. In the event that such occurs, the City may discontinue water service to the premises of the person allowing the illegal use of water.

## Section 16.12.120 ACCESS TO METERS

Access to water meters, and the water meters themselves, shall be kept free from brush, trees, bushes or any other obstacles, including, but not limited to, parked vehicles, dogs, fences or locked gates. The water user must maintain a three-foot radius unobstructed access surrounding the meter box and ten-foot vertical clearance above to the meter at all times. Authorized City employees shall have the right to enter premises furnished with water by the City for the purpose of examining, reading or servicing the meter, excavating or digging materials on or around the meter, determining the amount of water used or the manner in which used, or to shut off the water. It shall be unlawful for any person to deny access to the meter to any such employee lawfully doing their job. If a water user refuses to remove an obstruction, the City may remove it and the water user shall be liable for all the costs of doing so. Such costs may be added to the user's monthly bill, and if not paid, may be grounds for the discontinuance of water services to the premises.

## Section 16.12.130 UNAUTHORIZED USE.

It shall be unlawful for any person or entity to use the City water system or a fire hydrant connected to the City water system without first obtaining permission from the City.

## Section 16.12.140 BLUE STAKES.

The City belongs to the "Blue Stakes" organization for the marking of underground utilities. Any person or excavator who fails to comply with the Damage to Underground Facilities Act as

specified in U.C.A. §54-8a-1, et. seq., shall be liable to the City for the full amount of the damage to the City, plus any penalties imposed by the Act.

#### Section 16.12.150 AMERICAN FORK IRRIGATION COMPANY.

The American Fork Irrigation Company, is hereby acknowledged as the authorized and approved irrigation company serving the city.

#### Section 16.12.160 VIOLATIONS.

### CHAPTER 16.13 DRINKING WATER SOURCE PROTECTION.

### CHAPTER 16.14 STORM WATER

### CHAPTER 16.15 COMMUNITY ECONOMIC DEVELOPMENT PROJECTS

#### Section 16.15.010 Title.

This chapter shall be entitled the community economic development project ordinance, and may be so cited and pleaded.

#### Section 16.15.020 Intent.

It is the intent of this chapter to encourage and facilitate the renewal and development of business activities within the city of American Fork (city) by providing a means whereby some portion of the cost incurred by an applicant in the construction or replacement of essential public infrastructure, required as part of a commercial, office or manufacturing development project, may be eligible for reimbursement, to be paid using a portion of the city's share of the increase in tax revenues generated as a result of the development or renewal. Any reimbursement agreement under this chapter must be supported by a determination by the city council that the transaction is entered into in good faith and for adequate consideration to the city providing a present benefit that reflects fair market value.

#### Section 16.15.030 Application Of Chapter – Limitations.

This chapter shall be applicable to those development projects which qualify as community economic development projects, pursuant to terms of this chapter. Eligibility for receipt of payment of reimbursement under this chapter shall include and be limited as follows:

1. Application for qualification as a community economic development project and reimbursement shall have been submitted to the city prior to the granting of zoning approval for the project.
2. Eligible activities shall be limited to the improvements identified under Section 1-5.

3. Said activities shall have been determined by the city to be necessary for the establishment or renewal of a development project, consisting primarily of the construction or renewal of buildings and facilities: (1) housing retail or service establishments providing tax revenue and/or (2) serving as the location for manufacturing, office or similar business activities providing long term employment opportunities.
4. Any such transaction shall be determined by the city council to be entered into in good faith and for adequate consideration providing a present benefit to the city that reflects fair market value for the receipt of any reimbursement payments from the city.

#### Section 16.15.040 Advisory Committee Established

The city council hereby establishes the community economic development project review board as a standing committee of the city. Said board shall consist of the mayor and one member of the city council to be appointed by the mayor, with the advice and consent of the city council; also, the city administrator, the city engineer, the city planner and the city economic development director, who shall all be ex-officio members of the board. The board may also include such citizen members as the mayor deems desirable for the effective operation of the board, which citizen members shall be appointed by the mayor, with the advice and consent of the city council. Each member of the board shall be entitled to vote on all matters coming before it.

#### Section 16.15.050 Member and Terms

The terms of the city council members shall be as determined by action of the city council. The administrator, engineer, planner and economic development director shall be members of the board by virtue of their position within the city. The term of citizen members, if any, shall be two years from the date of appointment and such citizen members shall serve without compensation. All members shall be subject to the provisions of Section 10-3-1301 Utah Code Annotated relating to conflicts of interest.

#### Section 16.15.060 Application Review.

It shall be the duty of the board to review all applications for approval of a community economic development project, to evaluate said applications for compliance with the terms and intent of this chapter and to submit a report and recommendation to the city council regarding whether the proposed project should be approved and any terms, conditions and limitations which should be attached thereto.

#### Section 16.15.070 Improvements Eligible For Reimbursement.

1. The improvements eligible for the receipt of reimbursement funding shall include and be limited to the actual cost of design and construction of the following infrastructure improvements:
  - a. Culinary water supply mains.

- b. Domestic sewage mains.
  - c. Storm water mains and facilities.
  - d. Public street improvements.
  - e. Public open space improvements.
2. To be eligible for reimbursement said improvements shall be located upon property within or adjacent to the project area and which is owned in fee by the city, or were considered appropriate by the city, upon public easements. Said reimbursement shall not include the cost of land or any portion of the cost contributed from impact fees, redevelopment agency funds or other similar sources.

#### Section 16.15.080 Qualification Criteria.

To qualify for reimbursement a development project shall conform with the following:

1. In order for the city council to determine that any proposed agreement to provide reimbursement payments is entered into in good faith and for adequate consideration to the city that provides a clear present benefit that reflects fair market value, it must be shown that the city will receive fair market value in exchange for the reimbursement payments provided. In a multi-year transaction, that determination must be made for each year independent of every other year. It is not enough to show that the entire agreement provides such a fair exchange of value. Neither a future benefit nor a benefit that is of uncertain value will be sufficient for these purposes. Furthermore, a mere shift in tax revenue sources from one part of the city to another cannot be counted as providing a net benefit to the city. It must be established that additional property tax revenues, sales tax revenues, or other tangible and quantifiable benefits will be received by the city as a result of any development project for which payment of reimbursement is proposed under the provisions of this chapter.
2. The development is located in a commercial, professional office or industrial zone as set forth on the official zone map of the city; and
3. Either:
  - a. The proposed project includes the redevelopment or improvement of an existing retail, office or manufacturing activity, regardless of size, which has existed in the city for a period of ten years or longer; or
  - b. The project consists of a single development project containing one or more new establishments which conform to all of the following:
    - i. The project consists entirely of buildings and areas housing retail, office or manufacturing activities; and
    - ii. The project area contains not less than ten acres; and



- iii. The activities within the project will provide a significant increase in sales tax revenues and property tax revenues to the city and/or provide significant increase in job opportunities.

### Section 16.15.090 Content Of Application.

Any person, firm or corporation desiring to receive reimbursement under the terms of this chapter shall, prior to the commencement of construction, submit an application therefore to the council. Said application shall include:

1. Name and address of requesting party
2. A description and plans showing the proposed new or improvements business activities and the estimated cost thereof.
3. A description and plans showing the proposed infrastructure for which reimbursement is requested.
4. A summary of the city's share of the existing property tax revenue and sales tax revenue generated from the current use and the anticipated increase in such revenues as a result of the proposed construction/expansion/renewal.
5. A summary and analysis of the anticipated increase in jobs to be generated as a result of the proposed construction/expansion/renewal.
6. An analysis of the anticipated benefits to the city that will result from entering into a reimbursement agreement for any development project proposed pursuant to the provisions of this chapter meeting the criteria set forth in subsection 15.24.060 1. above.
7. All such applications shall be accompanied by a fee in an amount to be determined by the city which is sufficient to pay for the services of an independent consultant to prepare an analysis to determine the value of the proposed reimbursement agreement to the city and whether the proposed transaction meets the criteria set forth in subsection 15.24.060 1. above.

### Section 16.15.100 Source Of Reimbursement Fund - Conditions

1. The source of funding for reimbursement payments may be provides from one or a combination of sources, including but not limited to:
  - a. New sales tax revenues. A portion of the increase in sales tax revenues paid to the city from development in the project area, subject to the following terms and conditions:
    - i. The use of sales tax for reimbursement purposes shall be limited to development projects wherein not less than seventy-five percent of the total floor area of the project is devoted exclusively to retail business activities.

- ii. The amount of reimbursement and length of time during which reimbursement payments from the increase in sales tax revenues may be used shall be established by the city and specified in a reimbursement agreement, authorized pursuant to Section 15.24.090 below, which reimbursement agreement shall include at least the following terms and conditions:
  - 1. A maximum length of time during which some portion of the increase in sales tax revenue may be allocated for reimbursement purposes, not to exceed ten years, with special emphasis on limiting such time to five years wherever feasible.
  - 2. A maximum percent of any increase in sales tax revenues available to be used for reimbursement purposes, together with a schedule for the annual reduction of the percent of increase in sales tax revenue available to be committed to reimbursement, to be calculated as follows:  $100 \text{ percent total length of reimbursement period} = \text{Annual Reduction Percentage}$ .
  - 3. A procedure or formula for determining the portion of sales tax generated from the project which qualifies as "increase in sales tax revenues", thereby assuring that the city is not allocating for reimbursement purposes any portion of the amount of sales tax revenues which would otherwise have been realized by the city in the absence of the development project.
- b. New property tax revenues. A portion of the increase in property tax revenues paid to the city from development in the project area. The amount of reimbursement and length of time during which reimbursement payments from the increase in property tax revenues may be used shall be established by the city and specified in a reimbursement agreement, authorized pursuant to Section 15.24.090 below, which reimbursement agreement shall include at least the following terms and conditions:
  - i. A maximum length of time during which some portion of the increase in property tax revenue may be allocated for reimbursement purposes, not to exceed twenty years, with special emphasis on limiting such time to ten years wherever feasible.
  - ii. A maximum percent of any increase in property tax revenues available to be used for reimbursement purposes, together with a schedule for the annual reduction of the percent of increase in property tax revenue available to be committed to reimbursement, to be calculated as follows:  $100 \text{ percent total length of reimbursement period} = \text{Annual Reduction Percentage}$ .

- c. Impact fee revenues. From impact fees when used for activities identified within the city's capital improvements plan or for oversizing elements.
2. Consistency with cost/benefit analysis. Any allocation of reimbursement funds from any of the above sources must be supported by a determination by the city council that the transaction meets the criteria set forth in subsection 15.24.060 1. above.

### Section 16.15.110 Reimbursement Agreements Required - Content Of Agreements.

A separate reimbursement agreement between the applicant and the city shall be required for each qualified community economic development project. The content of said agreement shall include at least the following terms and conditions:

1. The specific improvements which are eligible for reimbursement and the maximum amount of cost for each.
2. The source of revenue to be used for reimbursement (sales tax, property tax, etc.), the length of time during which reimbursement payments will be available and the extent of the increase in revenues to be allocated for reimbursement, all as set forth in Section 15.24.080 above.
3. The identification of the sources for funding the initial construction of the improvements.
4. Whenever bonding or other debt has been incurred by the city for the purpose of funding construction of the improvements eligible for reimbursement, provisions for the payment by applicant of the amount by which periodic debt service payments on said bonding or other debt exceeds the portion of the increase in the in revenues entitled to be used for reimbursement purposes, as set forth in Section 15.24.080 above. No interest shall be paid to applicant on any funds whatsoever expended in connection with the development project and/or reimbursement provisions and or related costs thereof.
5. Provisions for the termination in the event of noncompliance and for termination in the event that the city is not able to sell the bonds otherwise obtain the funds to finance construction of the improvements eligible for reimbursement.
6. Provisions stipulating that the reimbursement agreement is subject to: (A) approval of the agreement by the city council, and (B) approval of the final plans and documents by the planning commission and/or city council, as applicable, in accordance with the terms of the city's development code.